

**THE HIMACHAL PRADESH JUDICIAL OFFICERS (PAY,
ALLOWANCES AND CONDITIONS OF SERVICE) ACT, 2003**

ARRANGEMENT OF SECTIONS

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Salaries ¹[and rates of allowances.
4. Powers to make rules.
5. Saving.

**THE HIMACHAL PRADESH JUDICIAL OFFICERS (PAY²[,
ALLOWANCES AND CONDITIONS OF SERVICE) ACT, 2003.**

(ACT NO. 13 OF 2003)³

(Received the assent of the Governor on 11th August, 2003 and was published in Hindi and English in R.H.P. Extra., dated 13.8.2003, at pages 1289-1293)

An Act to provide for the regulation of the pay ⁴[, allowances] and conditions of service of the Judicial Officers in the State of Himachal Pradesh and for matters connected therewith or incidental thereto.

Amended, repealed or otherwise affected by,-

- (i) H.P. Act No. 23 of 2006⁵ published in R.H.P. Extra., dated 23.10.2006, pages 5273-5276.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-fourth Year of the Republic of India, as follows:-

1. Short title, extent and commencement.-(1) This Act may be called the Himachal Pradesh Judicial Officers (Pay⁶[, Allowances] and Conditions of Service) Act, 2003.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall be deemed to have come into force on the First day of July, 1996.

2. Definitions.- In this Act, unless the context otherwise requires,-

⁷(a) "Allowances" means the allowances admissible to the Judicial Officers in Himachal Pradesh on 31st July, 2006;]

(aa) "Judicial Officers" mean the persons appointed by the State Government to the Himachal Pradesh Higher Judicial Service and the Himachal Pradesh Judicial Service in the State;

1 Inserted vide Act No. 23 of 2006.

2 Inserted vide Act No. 23 of 2006.

3. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 18.7.2003, p. 808 & 814.

4 Inserted vide Act No. 23 of 2006.

5. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 24.3.2006, p. 983-988.

6 Inserted vide Act No. 23 of 2006.

7 Existing clause (a) renumbered as clause (aa) and new clause (a) Inserted vide Act No. 23 of 2006

- (b) "notification" means a notification published in the Rajpatra, Himachal Pradesh;
- (c) "prescribed" means prescribed by the rules made under this Act;
- (d) "SCHEDULE" means Schedule appended to this Act;
- (e) "State" means State of Himachal Pradesh; and
- (f) "State Government" means the Government of Himachal Pradesh.

3. Salaries¹ and rates of allowances].- (1) Notwithstanding anything contained in any rules regulating the scale of pay to the Judicial Officers made under article 309 read with articles 234 and 235 of the Constitution of India, there shall be paid, immediately after coming into force of this Act, to the Judicial Officers in the State, the pay scales as specified in SCHEDULE.

²[(2) The rates of allowances and other conditions of services of the Judicial Officers shall be such as may be prescribed.]

4. Power to make rules.- (1) Subject to the provisions of section 3, the State Government may, by notification in the Official Gazette, make rules regulating the³[pay, allowances] and conditions of service of the Judicial Officers.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Saving.- Subject to the provisions of section 3, the rules applicable to the Judicial Officers, immediately before the commencement of this Act shall continue to regulate the⁴[pay, allowances and conditions of service of the Judicial Officers until the rules in that behalf are made under this Act.

SCHEDULE

(See section 3)

The Pay Scales for different cadres of the Judicial Officers:

1. Civil Judge (Junior Division):
 - (a) Initial Scale: Rs. 9000-250-10750-300-13150-350-14550.
 - (b) First stage Assured Career Progression Scale after five years of service: Rs. 10750-300-13150-350-14900.
 - (c) Second stage Assured carrier Progression Scale after five years of service in the First Assured Career Progression Scale:

1 Inserted vide Act No. 23 of 2006.

2 Sub-Section (2) inserted vide Act No. 23 of 2006.

3 Subs. vides Act No. 23 of 2006.

4 Subs. vide Act No. 23 of 2006.

Rs. 12850-300-13150-350-15950-400-17550.

2. Civil Judge (Senior Division):
 - (a) Initial scale: Rs. 12850-300-13150-350-15950-400-17550.
 - (b) First stage Assured Career Progression Scale, after five years of service as Civil Judge (Senior Division):
Rs. 14200-350-15950-400-18350.
 - (c) Second stage Assured Career Progression Scale on completion of five years of service in the First stage Assured Career Progression Scale:
Rs. 16750-400-19150-450-20500.
 3. District Judges Cadre:
 - (a) Initial Scale: Rs. 16750-400-19150-450-20500.
 - (b) Selection Grade: (Available to 25% Officers of the Cadre):
Rs. 18750-400-19150-450-21850-500-22850.
 - (c) Super Time Scale: (Available to 10% Officers of the Cadre):
Rs. 22850-500-24850.
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RULES AND NOTIFICATIONS

Under

THE HIMACHAL PRADESH JUDICIAL OFFICERS(PAY AND CONDITIONS OF SERVICE) ACT, 2003

(Issued and published in Hindi in R.H.P.Extra., dated 29.10.2003, p. 2117-2120)

THE HIMACHAL PRADESH JUDICIAL OFFICERS (PAY FIXATION) RULES, 2003

ARRANGEMENT OF RULES

Rules:

1. Short title.
 2. Definitions.
 3. Master pay scale.
 4. Revision of pay scales.
 5. Fixation of pay in the revised pay scale.
 6. Date of next increment.
 7. Assured Career Progression Scheme.
 8. Benefit of Selection Grade and Super Time Scale to District Judges.
 9. Payment of arrears.
 10. Interpretation.
 11. Repeal.
- SCHEDULE.

THE HIMACHAL PRADESH JUDICIAL OFFICERS (PAY FIXATION) RULES, 2003

FINANCE DEPARTMENT
(Pay revision section)

NOTIFICATION

Shimla-171002, the 22nd September, 2003.

No. FIN-(PR)B(7)-3/98-III.- The Governor, Himachal Pradesh, in exercise of the powers vested in him under sub-section (1) of section 4 of the Himachal Pradesh Judicial Officers (Pay and Conditions of Service) Act, 2003 (Act No.10 of 2003), is pleased to make the following rules to regulate the pay of Judicial Officers, namely:-

1. Short title.- These rules may be called the Himachal Pradesh Judicial Officers (Pay Fixation) Rules, 2003.

2. Definitions.- (1) In these rules, unless there is anything repugnant to the subject or context,-

- (a) "Act" means the Himachal Pradesh Judicial Officers (Pay and Conditions of Service) Act, 2003;
- (b) "basic pay" means the amount drawn monthly by a Judicial Officer in the existing scale of the post held by him or to which he is entitled by the reasons of his position in a cadre including ex-gratia annual increment(s) and additional pay, if any, but shall not include Special Pay and Personal Pay;
- (c) "Government" means the Government of Himachal Pradesh;
- (d) "existing pay scale" means the pre-revised pay scale in respect of a post held or a personal scale allowed to a Judicial Officer as on 1st day of January, 1996, whether in a substantive or officiating capacity;
- (e) "revised pay" means basic pay of a Judicial Officer to be fixed in the revised scale under rule 5 of these rules;
- (f) "revised pay scale " means the pay scales specified in column 4 of the Schedule, as against the existing pay scales specified in column 3 thereof; and
- (g) "Schedule" means the Schedule to appended to these rules.

(2)The words and expressions used, but not defined in these rules shall have the same meanings respectively as assigned to them in the Act.

3. Master pay scale.- The pay of Judicial Officers shall be regulated in accordance with the master pay scale of Rs. 9000-250-10750-300-13150-350-15950-400-19150-450-21850-500-24850.

4. Revision of pay scale.- From the date of commencement of these rules the pay scales specified in column No. 4 of the Schedule as against the existing pay scales specified in column No. 3 thereof shall be deemed to have been revised with effect from 1-1-1996:

Provided that for the purpose of fixation of pay in the revised pay scales the basic pay and dearness allowance as on 1st day of January, 1996, in the existing pay scales shall be taken in to account and the Interim Relief, though sanctioned with effect from 1st July, 1996, but for the purpose of computation of emoluments it shall be taken in to account with effect from 1-1-1996 on notional basis:

Provided further that the pay of Judicial Officers shall be fixed on notional basis with effect from the 1st day of January, 1996 but the actual

monetary benefit shall be given only with effect from the 1st day of July, 1996.

5. Fixation of pay in the revised pay scale.- (1) The pay of Judicial Officer in the revised pay scale shall be fixed on 1-1-1996 in the following manner, namely:-

- (i) basic pay in the existing scale as on 1-1-1996 plus 10% enhancement thereon;
- (ii) dearness allowance admissible on the original basic pay as on 1st January, 1996 at AICPI level of 1510. (1960=100);
- (iii) 40% interim relief on the original basic pay and dearness allowance as on 1-1-1996 sanctioned vide Finance Department letter No. Fin-(PR)-B(7)-3/98, dated 6th June, 1998; and
- (iv) after the aforesaid calculation 10% fitment additional benefit on the basic pay in the existing pay scale as on 1-1-1996, shall be allowed and thereafter, the pay of a Judicial officer in the revised pay scale shall be fixed in the following manner, namely:-
 - (a) in case the aggregate of the present emolument as aforesaid computed is less than the minimum of the revised pay scale, then the pay shall be fixed at the minimum of the revised pay scale;
 - (b) in case the aggregate of the present emoluments so computed corresponds to a stage in the revised pay scale, at that stage of the revised scale;
 - (c) in case the aggregate of the present emoluments computed is intermediate between two stages in the revised pay scale, then at the higher stage; and
 - (d) in case the aggregate of the present emoluments so computed is more than the maximum of the revised pay scale, then at the maximum of the revised pay scale and the difference, if any, be treated as personal pay.

(2) While fixing the pay in the revised pay scales, the following factors shall also be taken in to account, namely:-

- (a) in case, a Judicial Officer drawing pay in the existing pay scale, equal to or less than that of his senior in the same cadre and similarly appointed, draws his next increment in the revised pay scale on the date earlier than such senior whereby his pay is raised to a stage higher than that of such senior, the next increment of the senior shall be granted on the same date on which the junior officer draws his next increment in the revised pay scale;
- (b) in case, a Judicial Officer promoted to a higher post before 1-1-1996 draws less pay in the revised pay scale than his junior, his pay shall be stepped up equal to the pay of his junior in the higher post from the date of promotion of the junior; and
- (c) the benefits under clauses (a) and (b) shall be admissible only in case the anomaly has arisen due to the consequence of the application of the fixation of pay in the revised pay scales.

6. Date of next increment.- (1) The next date of increment of a Judicial Officer in the revised pay scale shall be the date on which he would have drawn the increment had he continued in the existing pay scale.

(2) In case, a Judicial Officer draws his next increment in the revised pay scale under sub-rule(1) of this rule and thereby becomes eligible for higher pay than his senior whose next increment falls due at a later date, the pay of such senior shall be refixed equal to the pay of the junior from the date on which the junior becomes entitled to higher pay and in case where the pay of a Judicial Officer is stepped up the terms of clause (b) of sub-rule (2) of rule 5 of these rules, the next increment shall be granted after completing requisite qualifying service of 12 months.

(3) Where a Judicial Officer is held up at the maximum of the initial scale or selection grade or super time scale, as the case may be, on or after the 1st day of January, 1996, he shall be allowed ex-gratia annual increment, unless it is withheld at the same rate, as is given in the Master Scale after the stage at which he was held up, but in no case the basic pay of Judicial Officer shall exceed twenty four thousand eight hundred fifty rupees.

7. Assured Career Progression Scheme.- The Judicial Officers shall be eligible for Assured Career Progression Scheme as specified in the Schedule appended to the Himachal Pradesh Judicial Officers(Pay and Condition of Service) Act, 2003 subject to the following conditions, namely:-

- (a) that the incumbent is not promoted to the next higher post;
- (b) that the conferment of this benefit shall be subject to appraisal of the work and performance of the eligible incumbent by a Committee of Senior Judges of the Himachal Pradesh High Court constituted by it;
- (c) that this benefit shall not be admissible to an incumbent who has declined regular promotion of any grounds;
- (d) in case where an officer in the cadre of Civil Judge (Junior Division) or Civil Judge(Senior Division),who has been provided the benefit of Assured Career Progression Scheme, refuses functional promotion to higher cadre on his turn on merit and seniority, he shall be reverted to the original pay scale.

8. Benefit of Selection Grade and Super Time Scale to District Judges.- (1) The benefit of Selection Grade shall be given to those District Judges, who have not less than five years continuous service in the cadre on the basis of assessment on merit-cum-seniority; and

(2) The benefit of Super Time Scale shall be given to those District Judges, who have not less than three years continuous service as Selection Grade District Judges.

9. Payment of arrears.- The payment of arrears from 1st July, 1996 to 31st March, 2003 on account of revision of pay scales to the Judicial Officers shall be credited to the General Provident Fund Account of the concerned Judicial Officer and in case of those Judicial Officers who have retired or who are to retire from the service by the 31st December, 2003 and have closed their General Provident Fund Accounts, the arrear shall be paid in cash.

10. Interpretation.- If any question arises in relation to interpretation of any of the provisions of these rules, the Government shall decide the same and its decision shall be final.

11. Repeal.- The Notification No. FIN-(PR)B(7)-1/98, dated 18th September, 2001 issued by the Government is hereby repealed.

SCHEDULE
(See rule 4)

Sl. No	Name of Service	Existing pay Scale in rupees	Revised pay Scale in rupees	Remarks
1.	2.	3.	4.	5.
(i)	Sub-Judge-cum-Judicial Magistrate	(i) 2200-4000 (ii) 3000-4500 (Senior Scale after 8 years of service) (iii) 4125-5600 (Selection grade after 18 years of service.	9000-14550	Re-designated as Civil Judge (Junior Division).
(ii)	Senior Sub-Judge-cum-Chief Judicial Magistrate	-do-	12850-17550	Re-designated as Civil Judge (Senior Division).
(iii)	District and Sessions Judges/ Additional District and Sessions Judges	3000-5600 <hr/> 5000-6700 (Selection grade after 8 years of service).	16750-20500	Re-designated as District Judge.

(R.H.P.Extra., dated 29.10.2003, p. 2121-2124)

THE HIMACHAL PRADESH JUDICIAL SERVICE RULES, 2004

HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 16th March, 2004

No. Home-B (B) 2-4/2002.- In exercise of the powers conferred by Articles 233, 234 & Proviso to Article 309 of the Constitution of India read with sub-section (1) of Section 4 of the H.P. Judicial Officers (Pay and Condition of Service) Act, 2003 (Act No. 10 of 2003) and all other powers enabling him in this behalf, the Governor of Himachal Pradesh, in consultation with the High Court of Himachal Pradesh & the State Public Service Commission, is pleased to make the following rules regulating the recruitment & conditions of service of members of different cadres of H.P. Judicial Service:-

1. Short title and commencement.-(1) These rules may be called the

Himachal Pradesh Judicial Service Rules, 2004.

(2) These Rules shall come into force from the date of publication in the official Gazette.

2. Definitions.-(1) In these rules, unless the context requires otherwise,-

- (a) "Act" means the Himachal Pradesh Judicial Officers (Pay and Conditions of Service) Act, 2003;
- (b) "appointing Authority" Means the Governor of Himachal Pradesh;
- (c) "Government" means the Government of Himachal Pradesh;
- (d) "Governor" means the Governor of Himachal Pradesh;
- (e) "High Court" means the High Court of Himachal Pradesh;
- (f) "Official Gazette" means Himachal Pradesh Rajpatra or the Gazette of Government of Himachal Pradesh by whatever other name it may be called;
- (g) "Regulations" means the regulations framed by the High Court. under these rules for the following purposes :-
 - (i) to prescribe the syllabus for the competitive examination and the suitability test to be conducted by the High court for the cadre of District Judges/ Adl. District Judges and the cadre of Civil Judges (Jr. Division),
 - (ii) allocation of the marks for written examination as well as oral (viva voce) test for the cadre of District Judges/Adl. District Judges and the cadre of Civil Judges (Jr. Division),
 - (iii) to send panel of experts to the H. P. Public Service Commission to conduct oral (viva voce) test for the cadre of Civil Judges (Jr. Division),
 - (iv) to prescribe the syllabus for and to conduct the departmental examinations for the different cadres of the H.P. Judicial Service,
 - (v) to prescribe the syllabus for and to conduct the special examination or tests, if any, required to be passed during the period of probation or officiation in relation to all the appointments to the service by direct recruitment or by promotion,
 - (vi) to evaluate the performance of the Officers and assign marks for the competitive examination to be conducted by the High Court for the cadre of District Judges/Addl. District Judges,
 - (vii) to prescribe the format of application to apply for appointment to the service,
 - (viii) to evaluate the performance of the Officers (appointed to the service) in relation to departmental and special examination or tests,
 - ((ix) to prescribe the training schedule from time to time for the

Officers appointed to the service through direct recruitment,

- (h) "Schedule" means schedule appended to these rules;
- (i) "Service" or "State Service" means the Himachal Pradesh Judicial Service; and
- (j) "State means the State of Himachal Pradesh.

(2) Words and expression used in these rules but not defined herein shall have the same meanings respectively as assigned to them in the Act.

3. Constitution of the Services.- (1) On and from the date of commencement of these rules there shall be constituted State Service to be known as Himachal Pradesh Judicial Service consisting of the cadres of District Judges, Civil Judges(Senior Division) and Civil Judges (Junior Division).

(2)The service shall consist of the cadres specified in column (2) of the Schedule and the character and number of posts in each of these cadres shall be as specified in the corresponding entries in columns (3) to (5) thereof. The Schedule shall stand automatically amended on the basis of and in accordance with, the notification issued by the Government of Himachal Pradesh in consultation with the High Court, from time to time varying or modifying the character or number of posts in the cadres or passing other orders to such effect.

(3) With effect from the date of commencement of these rules, the existing cadres specified in column(2) below shall stand designated as the cadres specified in the corresponding entries in column (1) below and they shall accordingly constitute the service:-

- | | |
|---|---|
| (a) District Judges/Addl. District Judges | (i) District and Session Judges |
| | (ii) Addl. District & Sessions Judges |
| (b) Civil Judges (Sr.Divn.) | (i) Senior Sub Judge-Cum-Chief Judicial Magistrates |
| | (ii) Addl Chief Judicial Magistrates |
| (c) Civil Judges (Jr. Divn.) | (i) Sub-Judge-Cum- J.M. |

(4)Holders of 25% of the total number of posts in the cadre of District Judges and who have put in not less than five years of service in the cadre shall be granted selection grade and they shall be selected for inclusion/placement in this grade on the basis of merit-cum-seniority from the cadre of District Judges by the High Court & such District Judges who have been placed in the Selection Grade shall called "Selection Grade District Judges". Holders of 10% of the total number of posts in the cadres of District Judges, who have put in not less than three years of service as "Selection Grade District Judges" in the cadre, shall be granted "Super Time Scale" of pay. They shall be selected in this scale of pay on merit-cum-seniority basis by the High Court and shall be called as "Super Time Scale District Judges".

4. Appointing Authority.-(1) The District Judges shall be appointed by the Governor in consultation with the High Court.

(2)The Civil Judges (Senior Division) shall be promoted by the High Court, Himachal Pradesh on the basis of merit-cum-seniority. Civil Judges (Junior Division) shall be appointed by the Governor in consultation with the Himachal Pradesh Public Service Commission and High Court of Himachal Pradesh.

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

TABLE UNDER RULE-5

Sl.No.	Cadre	Method of recruitment	Qualification Age limit & experience etc.
1	2	3	4
1	District judges/Additional District Judges.	(a) 50% by promotion from amongst the Civil Judges (Sr. Division.) on the basis of principal of merit-cum-seniority and passing a suitability text as may be prescribed & conducted by the High Court in accordance with the regulations.	Must have been in the cadre of Civil Judges (Sr.Division.) for a period of not less than two years.
		(b) 25% by promotion from amongst Civil Judges (Sr. Division.) on the basis of merit through limited competitive examination as may be conducted by the High Court in accordance with the regulations.	Maximum service of five years including the service rendered in the cadre of Civil Judges (Junior Division).
		(c) 25% by direct recruitment, from	The following shall be the eligibility criteria

		amongst eligible Advocates, on the basis of examination, written as well as oral (viva voce) test as may be prescribed and conducted by the High Court in accordance with the regulations.	including qualifications, age limit and experience etc.-(i) Citizen of India.
			(ii) Holder of a degree in Law as recognized by the Council of India.
			(iii) Practising Advocate at the Bar for a minimum period of seven years as on the last date fixed for receipt of the applications.
			Note.- For the purpose of this clause, in computing the period during which a person has been an Advocate there shall be included any period during which has held a judicial office.
			Explanation I.- Judicial Officer includes any other Office as may be prescribed being equivalent to a Judicial Office, by the High Court in the regulations made for this purpose.

			(iv) Must have attained the age of thirty five years and must not attained the age of forty five years as on the last date prescribed for receipt of applications.
			Explanation-II.- Applications to the cadre of the Distt. Judges from categories (a), (b), & (c) shall be in accordance with 40 points roster to be maintained by the High Court in this behalf.
2.	.Civil Judges (Sr. Division)	By promotion from the cadre of Civil judges (Jr. division) on the basis of merit-cum-seniority	Minimum experience of five years in the cadre of Civil Judges (Jr. Division).
			Note.- The appointing authority, may in situations where Civil Judges (Jr. Division) with the aforesaid requisite experience are not available, relax the aforesaid minimum experience criteria but in no case shall such relaxation go below three years.

3.	Civil Judges (Jr. Divn.)	By direct recruitment on the basis of merit obtained in the competitive examination, written as well as oral (viva voce) tests to be conducted by the H.P. Public Service Commission.	The following shall be the eligibility criteria including the qualifications and age etc.
			(1) Citizen of India.
			(2) Holder of degree in Law as recognized by the Bar Council of India.
			(3) Age limit, minimum 22 years and Maximum 30 years (33) years in case of candidates belonging to Scheduled Caste/Scheduled Tribe/other prescribed reserved categories as on the last date prescribed for receipt of applications.
			Provided that the direct appointments to the service shall be subject to the orders regarding reservation in the service for Scheduled castes/Scheduled Tribes/Backward

			Classes issued by the Himachal Pradesh Government, from time to time, and made applicable to such appointments, in consultation with the High Court.
			Note.- Every candidate applying for direct recruitment, either for the post mentioned in 1(c), or post mentioned at 3 above shall submit along with the application, certificates furnished by two respectable persons unconnected with him, testifying to his character and good behavior as well as antecedents.

6. Disqualification for appointment and format of application.-(1)

No person shall be eligible for appointment to the service:-

- (a) If he has been dismissed from any previous service;
 - (b) If he has been convicted of any offence involving moral turpitude or has been bound down for good conduct under the provisions contained in Chapter VIII of the Code of Criminal Procedure, or has been permanently debarred/disqualified from appearing in any examination or selection ;
 - (c) If he is found either directly or indirectly influencing the selection process in any manner;
 - (d) If he is a man, has more than one wife living and if a woman, has married a man already having another wife; or
 - (e) If he is an undercharged insolvent.
- (2) Every person applying for appointment to the service, at the

bottom of the application in the format to be prescribed in the regulations, shall give a declaration that he does not suffer from any of the aforesaid disqualifications and also that he conforms to all the eligibility criteria. The declaration shall also contain his undertaking that if the same is found false or incorrect, his candidature shall be liable to be cancelled or if appointed, his candidature shall be liable to be cancelled or if appointed, his appointment shall also be annulled.

7. Pay and allowances .- (1) The Judicial Officers shall be paid the pay scales, as specified in column No. 6 of the schedule Dearness allowance and other allowances, as notified from time to time by the State Government shall also be admissible:

Provided that, no member of the service shall be entitled to draw his subsequent annual increments, unless he passes, by the prescribed standard, the departmental examination.

Explanation.- (i) The stoppage of increment for failure to pass departmental examination shall not be considered to be a penalty.

(ii) The increment or increments shall be released from the due date retro respectively to a judicial officer if he passes the departmental examination within the probation period.

(iii) The increment or increments shall be released to member of the service after he/she has passed the departmental examination

(2) The Pay of the member of the service shall be fixed where necessary under the provision of the rules in force in Himachal Pradesh, from time to time, provided that where the increment of a member is withheld for his failure to pass the departmental examination, he shall not be entitled before he passes the departmental examination by the prescribed standard, to the re-fixation of pay on the basis of enhancement in his substantive or officiating pay the time scale of the post held by him prior to his appointment to the service. However, during this period he may be allowed his substantive pay, from time to time, if the same happens to be more than his officiating pay in the service.

8. Direct appointment to the posts of Direct Judges and Civil Judges (Junior Division).-The High Court shall, after completing the process of competitive examination, as may be prescribed and conducted by it in accordance with the regulation for the cadre of the District Judges/ Additional District Judges, forward its recommendation to the Government for appointment of the candidates selected by it, as included in the select list and on receipt of such recommendations from the High Court, the Government shall subject to the provisions of Rule 9 issue notification appointing such persons as judicial Officers in the said cadre :

Provided further that the Himachal Pradesh Public Service Commission shall after completing the process of the competitive examination written as well as oral (viva voce)test to be conducted by it for the cadre of Civil Judges (Jr. Division) forward its recommendations to the State Government for appointment of candidates selected by it, as included in the select list and on the receipt of such recommendations from the Himachal Pradesh Public Service

Commission, the Government in consultation with High Court subject to provisions of Rule 9 may issue notification appointing such persons as Civil Judges (Jr. Division).

9. Condition relating to suitability, fitness character.-No person selected for appointment by direct recruitment shall be appointed:-

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

10. Probation and officiation.- (1) All appointment to the service by direct recruitment shall be on probation for a period of two years.

(2) All appointment by promotion shall be on officiating basis for a period of two years.

(3) The period of probation or officiation, as the case may be for reasons to be recorded, in writing may be extended by the appointing authority by such period not exceeding the initial period of probation or officiation as specified in sub-rule (1) or (2).

(4) At the end of the period of probation or officiation or the extended period of probation or officiation as the case may be, the appointing authority shall consider the suitability of the person so appointed or promoted to hold the post to which he was appointed or promoted and-

- (i) If it decides that he is suitable to hold the post to which he was appointed and has passed the special examination or tests, if any, required to be passed during the period of probation or officiation, as the case may be, it shall as soon as possible, issue an order declaring him to have satisfactorily completed the period of probation or officiation, and such an order shall have effect from the date of expiry of the period of probation or officiation including extended period, if any.
- (ii) If the appointing authority considers that the person is not suitable to hold the post to which he was appointed or promoted, as the case may be, it shall by order :-
 - (a) If he is a promoter, revert him to the post which he held prior to his promotion : or
 - (b) If he is a probationer, discharge him from service.

11. Discharge of a probationer during the period of probation.- Notwithstanding anything contained in rule 10, the appointing authority may, at any time during the period of probation, discharge from services, a probationer on account of his unsuitability for the service.

12. Confirmation.-A probationer who has been declared to have satisfactorily completed his probation and a promotee who has been declared to have satisfactorily completed his period of officiation shall be confirmed as a member of the service in the category of post to which he was appointed or promoted, as the case may be, at the earliest opportunity, in a substantive vacancy which may exist or arise.

13. Seniority: - (1) Where officers are recruited to a cadre by promotion and direct recruitment: seniority shall be regulated by the roster maintained for such recruitment. Officer appointed against higher point of roster shall rank senior to the Officer appointed against a lower point:

Provided that no person appointed to a cadre by direct recruitment shall, for the purpose of fixation of his seniority claim any particular place in seniority unconnected with the date of his actual appointment.

(2) Where more than one Officers are promoted to cadre at the same time inter-se seniority of persons so appointed shall be determined by their inter-se seniority in the lower cadre.

(3) Where direct recruitment is made to a cadre, the inter-se seniority of person so recruited shall be in the order in which their names are arranged in the select list.

(4) Every year in the month of January seniority list of Officers in all cadres shall be prepared and published by the High Court and the lists so published shall be issued for the purpose of making promotions to the next higher cadres.

14. Age of superannuation. - The age of superannuation of a member of the service shall be sixty years:

Provided that before the completion of fifty eight years of service, the High Court, with reference to the record of the Officer, quality of his judgments and his potential of utility in service, shall decide either to retire the Officer on completion of fifty eight years of service or grant him extension upto sixty years.

15. Retirement in public interest.- (1) Notwithstanding anything contained in these rules, the Governor shall, on the recommendations of the High Court, if he is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the service who has attained their age of fifty years, by giving him notice of not less than three months, in writing, or three months pay and allowance in lieu of such notice.

(2) Where a member of the service should be retired in public interest under sub-rule (1) shall be considered at least three times that is, when he is about to attain the age of 50 years, 55 years and 58 years :

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

¹¹(3) A member of the service, by serving a notice, in writing of not less than three months to the competent authority, may seek pre-mature retirement from service:

Provided that no member of the service shall be eligible to seek pre-mature retirement under this sub-rule unless he has completed a minimum of 30 years service or has attained the age of 50 years.

(4) The competent authority on receipt of notice in writing, of not less than three months, may allow an officer whose record is found

1. Sub-rules (3) and (4) added vide Not. Home-B(B)2-4/2004-Loose, dated 20th Novembver, 2006, published in R.H.P.Extra., dated 22nd December, 2006, p. 8518-8519.

satisfactory by the said authority to retire on completion of 20 years of service or attaining the age of 50 years or thereafter. Any member of the service, who is allowed to retire from service under this provision, shall be given the benefit of five years' additional service in the form of qualifying service of the purpose of pension subject to the condition that the total qualifying service of the officer does not in any case exceed 33 years and does not take him beyond the date of superannuation:

Provided that no member of the service who is under suspension or against whom any departmental proceeding is pending or contemplated or against whom any vigilance matter/departmental enquiry is going on, shall be permitted to retire either under sub-rule (3) or sub-rule (4) of this rule.

16. Residuary provision. - For the matters not specified in these rules, the rules as are applicable to Class-I Officers of the State Government, shall mutatis mutandis be applicable to the members of the service.

17. Training .- With respect to appointments made through direct recruitment, it shall be open to the High Court, by regulations made in this behalf, from time to time, to prescribe training schedules for the Officers appointed to the service and only on completion of such training as prescribed in such regulations, shall the officers be eligible for regular appointment.

18. Departmental Examination.- Every person appointed by direct recruitment to the service after the commencement of these rules shall pass the departmental examination by the prescribed standard within two years from the date of his appointment and if any candidate fails to pass the departmental examination, he may be discharged from service/ reverted to the post from which he was promoted. The departmental examination shall be conducted by the High Court in accordance with the regulations to be framed in this behalf, by the High Court :

Provided that the High Court may, for good and sufficient reasons, extend the period within which the person shall so pass the examination.

19. Conduct .- The members of the service shall uphold the integrity and independence of Judiciary and shall also observe strict Judicial ethics, which have been or may be communicated by the High Court, from time to time.

20. Power to relax.- Where, for reasons to be recorded in writing, the State Government in consideration with the High Court and Himachal Pradesh Public Service Commission is satisfied that operation of any particular provisions of these rules with respect to conditions of service, causes or is likely to cause undue hardship in any particular case or class of cases, the State Government may by order in writing in consultation with the High Court and Public Service Commission dispense with or relax such provisions of the rules or any such requirement as originating from such provisions to such extent and in such a manner as the State Government may deem proper, just or equitable.

21. Interpretation.- If any question arises as to the interpretation of these rules, the same shall be decided by the State Government, in consultation with the High Court.

22. Repeal and Savings .- (i) On the coming into force of these Rules, the Himachal Pradesh Higher Judicial Service Rules, 1973 and the Himachal Pradesh Judicial Service Rules, 1973, shall stand repealed.

(ii) Notwithstanding such repeal anything done or any action taken under the above rules be deemed to have been validly done or taken under these rules.

¹[SCHEDULE

[See rule 3 (2)]

Sl. No.	Cadres	No of posts Permanent	Temporary	Total	Pay scale
1	2	3	4	5	6
					<u>Masdter pay Scale</u> Rs. 9000-250-10750-300- 15950-400-19150-450- 21850-500-24850.
1.	District Judges/Addl. Distt. Judges	24	6+1 (Leave Reserve- cum- Deputation).	31	(a) <u>Initial Scale</u> Rs. 16750-400-19150- 450-20500.
					(b) <u>Selection Grade</u> (25% of the cadre strength)Rs. 18750-400- 19150-450-21850-500- 22850.
					(c) <u>Super Time Scale</u> (10% of the cadre strength): Rs. 22850-300-24850
2.	Civil Judges (Sr. Divn.)	34	-----	34	(a) <u>Initial Scale</u> Rs. 12850-300-13150- 350-15950 400-17550
					(b) 1 st Stage Assured Career Progression Scale after five years service as Civil Judge (Senior Division): Rs. 14200-350-15950- 400-18350.
					(c) 2 nd Stage Assured Career Progression Scale (on completion of five years service in

1. Schedule added vide Not. No. Home B (B) 2-4/ 2002 dated 17th March, 2004, published in R. H. P. Extra, dated, 20-3-2004. P 3796-3807.

					Assured Career Progression 1 st Stage Scale): Rs. 16750-400-19150-450-20500
3.	Civil Judges (Jr. divn.)Divn.).	54	----	54	(a)Initial Pay Scale Rs. 9000-250-10750-300-13150-350-14550.-
					(b) 1st Stage Assured Career Progression Scale (after five years service): (Rs. 10750-300-13150-350-14900.
					(c) 2 nd Stage Assured Career Progression Scale (after 5 years service in the 1 st stage Assured Career Progression Scale): Rs. 12850-300-13150-350-15950-400-17550

(R.H.P.Extra., dated 20.3.2004, p. 3796-3806)

NOTIFICATION

Under

THE HIMACHAL PRADESH JUDICIAL SERVICE RULES, 2004

HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 17th July, 2006.

No. Home-B (G) 4/95-Vol.-I.- WHEREAS, the State Government has enacted 'The Himachal Pradesh, Judicial Officers (Pay and Conditions of Service) Act, 2003 (Act No. 10 of the 2003) to provide for regulation of the day and conditions of service of members of different cadres Himachal Pradesh Judicial Service and matters connected therewith and incidental thereto.

AND, WHEREAS, the State Government in exercise of the powers conferred by article 233, 234 and proviso to Article 309 of the Constitution of India read with sub-section (i) of section 4 of the Himachal Pradesh Judicial Officers (Pay and Conditions of Service) Act, 2003(Act No. 10 of 2003), in consultation with High Court of Himachal Pradesh and the State Public Service Commission notified the Himachal Pradesh and the Rules, 2004 for

regulating the recruitment and conditions of service of members of different cadres of Himachal Pradesh Judicial Service.

AND, WHEREAS, in the year 1989 the All India Judge Association & its working president filed writ Petition (Civil) No. 1022/1989 before the Hon'ble supreme Court of India under article 32 of the Constitution of India seeking reliefs so as to improve the conditions of service of the Sub-ordinate Judicial Officers all over the country. The said Writ Petition was disposed off by the Judgment dated 13-11-1991, and issued certain directions.

AND WHEREAS, the union of India and some State Governments preferred review petitions raising several objections including constitutional questions. The said review petitions were disposed off vide judgment dated 24-8-1993, modifying some of the reliefs given in the original Judgment.

AND WHEREAS, the Government of India by a resolution dated 21-3-1996 constituted the first National Judicial Pay Commission for the Subordinate Judiciary all over the country under the Chairmanship of the Justice Shetty. The Commission submitted its report on 11-11-1999 and the Hon'ble Supreme Court after considering various recommendations made by the Shetty Commission delivered its judgment dated 21-3-2002, in C.W.P. No. 1022/1989, keeping the recommendations subject to certain modifications made therein.

AND, WHEREAS, the Hon'ble Supreme Court vide its order dated 25-11-2002 directed the State Government/ UTs to implement the higher pay scales on or before 1-4-2003 and subsequently vide order dated 8-4-2003 directions were issued for adoption of Karnataka Model of pension. In the State of Himachal Pradesh, for members of different cadres of Himachal Judicial service the recommendations have been implemented to the following effect:-

- (a) Grant of revised pay scales and benefit of assured career Progression Scheme vide notification dated 22-9-2003.
- (b) The State Government has notified the Himachal Pradesh Judicial Services rules, 2004 regulating the conditions of service of the members of different cadres of Himachal Pradesh Judicial Service, relating to nomenclature, mode of recruitment to High Judicial Services, lowering the age of candidates for entry into state Judicial Services as Civil Judge (Jr. Division) etc.
- (c) The State Judicial Academy stands established with governing body headed by the Chief Justice of the state High Court.
- (d) The Karnataka model of pension has been adopted by the State Government for grant of pension to retired judicial officers.

AND, WHEREAS, the Hon'ble Supreme Court vide order dated 6-12-2005 while dismissing contempt petition (C) No. 151/2003 in CWP No. 1022/1989 had issued directions for release of benefits and allowances to the members of the subordinate Judiciary as per the Shetty Pay Commission Report subject to the modifications by the Hon'ble Supreme Court.

AND, WHEREAS, the matter regarding grant of benefits and allowances to the members of subordinate Judiciary as directed by the Hon'ble Supreme Court in its orders dated 6-12-2005 and 7-2-2006 was given due consideration by the Government.

AND, WHEREAS, Government have approved the grant of the following allowances etc. to members of different cadres of Himachal Pradesh Judicial service with immediate effect:-

1. Reimbursement of Electricity and water charges to District Judges & Addl. District Judges @ Rs. 300/- per month, Civil Judge (Sr. Division) @ Rs. 250/- per month Civil Judge (Jr. Division) @ Rs. 200/- per month or 50% of actual, whichever is less.
2. sumptuary allowance of Rs. 1000/- per month to District Judge and Addl. District Judge, Rs. 750/- per month to Civil Judge (Sr. Division) and Rs. 500/- Civil Judge (jr. Division).- No. expenditure shall be made on account of entertainment from 'Office Expenses' or other similar object heads like 'Hospitality'.
3. Concurrent charge allowance @ 10% of the minimum of the time scale of additional post held continuously beyond period of 10 works days, provided substantial work of the additional post is discharged during this period in the opinion of the Hon'ble High Court.
4. Two daily newspapers and one weekly/monthly magazine (cost of magazing not exceeding Rs. 60/- per month).
5. Robe allowance @ Rs. 5000/- once in five years. Members of different cadres of Himachal Pradesh Judicial Service on deputation to posts not involving judicial work will not be entitled to Robe allowance for the period.
6. Telephone facility at the following:-
 - (i) District Judges. - STD facility at office and residence with 3000 free calls for 2 months at office and 2000 calls at residence for 2 months.
 - (ii) Addl. District Judges and Civil Judge (Sr. Division).- STD facility at office and residence with 2000 free calls for 2 months at office and 1000 calls at residence for 2 months.
 - (iii) Civil Judge (Jr. Division)-1500 free calls at office and 750 at residence for 2 months.

The offices will bear the expenses of the installation and bi-monthly payment of the telephone bills upto the aforesaid ceiling. The excess calls, if any, will be borne by the concerned judicial officers.

Members of different cadres of Himachal Pradesh Judicial Service will continue to avail at par with other State Government Officers, the existing benefits and allowances namely:-

- (i) C.C.A.
- (ii) Secretariat Allowance.
- (iii) H.R.A.
- (iv) L.T.C./Home Town Leave Travel Concession.
- (v) Transfer Grant.

NOW THEREFORE, the Governor Himachal Pradesh in exercise of powers conferred by Rule 7 of the Himachal Pradesh Judicial Service Rules, - 2004 is pleased to notify the grant of aforesaid allowances etc. to members of

different cadres of Himachal Pradesh Judicial Service with immediate effect.

(R.H.P.Extra., dated 18th August, 2006, p. 3688-3691)

THE HIMACHAL PRADESH JUDICIAL SERVICE (SUITABILITY TEST FOR PROMOTION TO THE CADRE OF DISTRICT JUDGES/ADDITIONAL DISTRICT JUDGES) REGULATIONS, 2004.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla, the 21st September, 2004.

No. HHC/ Rules/ 22(25)83-21134.-In exercise of the powers conferred by Rule 2 (1) (g) read with Rule 5 of the Himachal Pradesh Judicial Service Rules, 2004, the High Court of Himachal Pradesh makes the following Regulations providing for Merit-cum-Suitability Test for promotion to the cadre of District Judges/Additional District Judges from amongst the Civil Judges (Senior Division)in terms of clause 1 (a) of the table given below Rule 5 of the Rules.

1. Short title.-These Regulations may be called “the Himachal Pradesh Judicial Service (Suitability Test for Promotion to the Cadre of District Judges/Additional District Judges) Regulations, 2004.”

2. Commencement.- These Regulations shall come into force with immediate effect.

3. Suitability test.- Suitability of an officer of the cadre of Civil Judge (Senior Division) for promotion to the cadre of District judges/ Additional District Judges shall be determined on the basis of the examination of judgments, assessment of the A. C. Rs. For the last five years and Special Report of the District and Sessions Judge, as under:-

(i) Evaluation of five criminal Judgment rendered by the eligible Judicial Officer during the last one year in any month to be specified by the Hon’ble Chief Justice

.. 50 marks

Provided that where the concerned Civil Judge (Sr. Division) is working on a post in which he does not have to write judgment such as a deputation post in the high Court or in any other authority of Forum or Government etc. the expression “ last one year “ shall be construed as the last one year prior to his aforesaid posting meaning thereby “ such a year “in which he was occupying post/ holding an appointment in which he had to write judgments.

(ii) Evaluation on of ACRs for the last five years

.. 40 marks’

(iii) Evaluation of Special Report of the District and Sessions Judge about the eligible Judicial Officer in Proforma as prescribed in Annexure ‘A’

.. 10 marks

Total.. 100 marks

4. Qualifying marks.- The qualifying marks in the suitability test shall be 60%.

5. Zone of consideration.- The zone of consideration shall ordinarily be three times the available and anticipated vacancies.

6. Constitution of Committees.- The Full Court shall constitute two committees, each consisting of atleast two judges, hereinafter referred to as “ First Committee “ and “ Second Committee “.

7. Functions of and factors to be considered by the committee.- (1) The “ First Committee “ shall evaluate ACRs and the Special Reports of the District and Sessions Judges in respect of the eligible Judicial Officers.

(2) The special Report from the District and Sessions Judge shall be called for in the Performa appended as annexure A.

(3) While assessing the ACRs and examining the special Reports, the “ First Committee “ shall make evaluation on the basis of the entries in the various columns of the ACRs and the Special Reports and the assessment will not be made only on the basis of the entry mad against the last column (Net result) so far as the ACRs are concerned or the ultimate opinion of the District and Sessions Judges so far as the Special Reports are concerned.

(4) (a) The “Second Committee” shall examine the judgments of the eligible Judicial Officers.

(b) The judgment shall be evaluated having due regard to the following factors :-

- (i) Knowledge of Law
- (ii) Collation and appreciation of facts
- (iii) Correctness of conclusions
- (iv) Language
- (v) Clarity and reasoning.

(c) The final marks obtained shall be worked out by process of averaging is to say , by dividing the gross total marks allocable for all the judgments by the number of judgments examined.

8. Preparation of Merit-cum-suitability Test.- From amongst each Judicial Officers who have qualified the suitability test by obtaining the qualifying marks as prescribed in Regulation No. 4, the promotion shall be lower cadre.

ANNEXURE- A

SPECIAL REPORT

Name of the Officer.....

Designation.....

1. Quality of judgments(Assessment to be based on the assessment slips pertaining to the period).
2. Knowledge of law and procedure assessed on the basis of personal Contract/ discussions, if any.

3. Attitude towards superiors, colleagues members of the Bar, litigants and subordinates.
4. Administrative capacity.
5. General reputation of the officer and the view of the District and Sessions Judge regarding integrity of the Officer.
6. Other remarks , if any.

Dated.....

District and Sessions Judge

At.....

(R. H. P. dated, 16-10-2004,p 1193-1194).

THE HIMACHAL PRADESH JUDICIAL SERVICE (DEPARTMENTAL EXAMINATION) REGULATIONS, 2004.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla, the 17th/ 21st June, 2004.

No. HHC Rules-22 (25)/ 83-13946.- In exercise of the powers conferred by rule 2 read with rule 10 of the Himachal Pradesh Judicial Service Rules 2004, Hon'ble the Chief Justice and Judges are pleased to make the following Regulations laying down the procedure for the conduct of the Departmental Examination of the Civil Judge 9 Jr. division) :-

1. Short title.- These Regulation shall be called the Himachal Pradesh Judicial Service (Departmental Examination) Regulations, 2004.

2. Commencement.- These regulations shall come into force immediately on its publication in the official gazette and shall govern the Departmental Examination in respect of the Civil Judges (Jr. Division) appointed to the service after the commencement of the Himachal Pradesh Judicial Service Rules, 2004 :

Provided that those Civil Judges (Junior Division), working on the date of enforcement of those Regulations although appointed under the Himachal Pradesh Judicial Service Rules, 1973, who could not qualify the departmental examination on the date of enforcement of these regulations, shall be governed by these Regulations.

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

- a. "Chairman " means the Chairman of the Examination Committee;
- (b) "Committee " means the Examination Committee constituted under these Regulations;
- (c) "Examination " means the Departmental Examination under these Regulations;
- (d) " Examiner " means the Examiner appointed by the Committee under these Regulations;

- (e) “Rules “ shall means the Himachal Pradesh Judicial Service Rules, 2004 ;
- (f) “Schedule “ means the schedule attached to these Regulations ;
- (g) “Secretary “ means the Secretary of the Examination Committee.

4. Examination Committee.- (i) The Committee shall be over all In-charge of the examination and shall be responsible to ensure the implementation of these Regulations.

(ii) The Committee shall consist of –

- | | |
|--------------|--|
| (a) Chairman | Hon’ble the Chief Justice |
| (b) Members | Hon’ble Judges |
| (c) Sreetary | Registrar General, High Court of Himachal Pradesh shall be the Member- Secretary of the Committee. |

5. Duties of Secretary.- The Secretary shall performed following duties in accordance with the procedure hereinafter mentioned :

- (i) The Secretary shall issue all orders on behalf of the Committee relating to and in connection with the examination.
- (ii) The Secretary shall be responsible:-
- (a) for making arrangements for the conduct of the Examination;
- (b) to receive the question papers from the Examiners and make arrangements for the printing of the papers in accordance with these Regulations :
- (c) for making arrangements of Superintendent of the Examination, transmission of answer books to the examiner for getting them evaluated and to receive them back ;
- (d) for compiling and declaring the result :and
- (e) for the discharge of any other function envisaged by these Regulations or entrusted to him by the committee from time to time.

6. Conduct of examination.- (i) The examination shall be held atleast twice in a year on such dates, as may be notified by the Secretary, with the approval of the Committee and notified in the Himachal Pradesh Rajpatra atleast one month before commencement :

Provided that the committee may, in its discretion, decide to hold the examination on a shorter notice, if the circumstances so warrant :

Provided further that the Committee may decide to hold at additional examination or may hold only one examination in a year, in view of the exigencies of public service.

(ii) The examination will be held at Shimla in High Court at any other place or places as may be notified by the Secretary with the approval of the Committee.

7. Application for Departmental Examination.-(i) A Civil Judge (Jr. Division) desiring to appear in the Examination shall intimate, on the form prescribed, his intention of appearing in the examination after the date of the examination is notified and seven days before the date of commencement of

examination.

(ii) A Civil Judge (Jr. Division) who fails to intimate his intention to appear in the examination in the manner aforesaid will not be permitted to appear in the examination.

(iii) A Civil Judge (Jr. Division) who fails to include any paper of examination in the List of paper intimated in the form prescribed, may be precluded from taking the examination in that paper even if he may subsequently desire to take the examination in that paper :

Provided that if the facilities are available, the Secretary may permit such Civil Judge (Jr. Division) to appear in that paper as a special case.

8. Commencement of Examination.- The date of the commencement of the examination shall be notified by the Secretary and the date sheet, which shall also be drawn by him shall be sent to each candidate who has submitted the application under Regulation 7 along with the roll number assigned to him at the address given by the candidate in his application form.

9. Conduct of Examination.- The Secretary shall be responsible for the conduct of the examination and shall appoint Superintendent/ Invigilator (s) and other staff for the examination centre , keeping in view the work load and may issue instructions relating thereto.

10. Answer Books.- (i) The Secretary will supply the required number of blank answer books, pieces of blotting papers and question papers. The first page of the answer book shall contain the instructions, if any, and shall be in the form prescribed. The answer books shall bear the seal of the Secretary or shall be signed or stamped by the Superintendent of examination.

(ii) Answer by the candidates must be written legibly on the both sides of the paper. On no account whatever a sheet or part of the sheet shall be torn or removed from answer book. The candidate shall not write their names or put any other mark(s) anywhere in the answer book which may indicate their identity.

(iii) All answer books collected from the candidates shall be packed properly, immediately on the conclusion of each paper and shall be sealed by the Secretary/ Superintendent Examination and forward the same to the Examiners as quickly as possible.

(iv) At the close of the examination the account of answer books received and used together with all the unused answer books shall be drawn.

(v) The answer books shall be kept on record for three months after the declaration of the result and its notification in the Himachal Pradesh Rajpatra.

11. Question paper.- (i) The Committee shall appoint the examiner for each paper. The question papers will be received from the examiners by the Secretary who will be responsible for getting them printed/cyclostyled/Xeroxed under complete secrecy.

(ii) The questions papers for the examination will be kept duly sealed by the Secretary in his safe custody.

(iii) The sealed packets containing the question papers shall be opened by the Secretary/Superintendent Examination in the Examination Hall not more than half an hour before the commencement of the Examination in the presence of the Invigilators, if any.

12. Evaluation of answer books as publication of results.- (i) The Secretary shall cause the answer books of various papers evaluated from the Examiners appointed under regulation 11 (i) and the Examiners shall prepare an award list and marks sheet on the prescribed forms and forward the same to the Secretary along with the answer books with in one week of the receipt of the answer book by them.

(ii) The result shall be compiled by the Secretary on receipt of the Award Lists and marks sheet and shall be placed before the Committee for its approval with such recommendations as he may deem necessary.

(iii) The result shall be notified in the Rajpatra.

(iv) The record of the result will be prepared and kept in Grade Register for Examination of Civil Judge (Jr. Division) in the form prescribed.

13. Remuneration of the paper setter, Evaluators of answer books Supdt. Of the Exams.- (i) The remuneration shall be paid at the following rates to the Examiners and the examination Superintendents and other staff deputed for the purpose of conduct of examination under these regulations :-

(1) Setting of Examination papers.	Rs. 250/-per question paper plus Rs. 75/- For supplying solution, if asked for.
(2) Evaluation of answer books.	Rs. 50/-per answer book subject to Minimum of Rs. 250/-.
(3) Examination Superintendent	Rs. 170/-per session Rs. 270/- per day (Two sessions).
(4) Co-ordinator Supervisor	- do -
(5) Dy. Supdt	Rs. 140/-per session Rs. 210/-per day (Two sessions).
(6) Invigilator	Rs. 110/-per session Rs. 170/- per day (Two sessions).
(7) Clerk/ Typist/ Computer operator/Guestor Operator/	Rs. 60/- per session Rs. 140 per day (Two sessions).
(8) Class-IV	Rs. 50/-per session Rs. 100/-per day (Two sessions).

(ii) The remuneration to the Examiner(s) for setting the paper(s) and evaluation of answer books may in the discretion of the Committee, be ordered to be paid either it cash or in kind :

Provided however, that when the remuneration is ordered to be paid in kind, the value thereof shall not exceed the limit prescribed under sub rule (1) hereinabove.

(14). Directions for the conduct of the Examination.- The Secretary may, with the approval of the Committee from time to time, issue such directions in accordance with these Regulations for conduct of examination and for implementation of these Regulations and such other instructions, as he may deem proper, for effective enforcement of these Regulations.

15. Conduct of the candidates in the Examination Hall.-(i) A candidate appearing in the examination shall be required to maintain perfect

discipline and abide by the instructions given by the Secretary/Superintendent Examination. He shall make his attendance in the Attendance Roll, and shall not be permitted to leave the Examination Hall before handing over the answer book except for short duration with Superintendent Examination who will ensure that during his absence from the hall, the candidate has no opportunity of obtaining information relating to the question papers.

(iii) Any violation committed by the candidate will be deemed to be misconduct, and the matter will be reported by the Secretary to the Committee who will deal with the manner provided in rule 16.

16. Unfair means.- The case of a candidate who either at the time of examination or subsequently is found to have used unfair means will be reported by the Secretary to the Committee forth with alongwith the answer book and any other documentary or oral evidence. The Committee will decide the action to be taken against such candidate and may impose one or more of the following penalties:-

- (a) The candidate may be declared failed in the entire examination;
- (b) The candidate may be declared failed in one or more papers; and
- (c) The violation committed by the candidate may be declared to be misconduct by the public servant and any of the punishment may be awarded to him (by the Committee) as can be awarded under the general rules governing the judicial officers.

17. Written papers.- (i) All the written papers shall be of the duration of three hours each.

(ii) There will be following papers carrying marks mentioned against each. The papers will be classified in the group mentioned against each:-

Sl. No.	Subject	Maximum marks	Classification in groups
1	2	3	4
(1)	Criminal Law	120	Group A-I
(2)	Civil Law.	120	Group A-II
(3)	Revenue Law. (1 st paper).	120	Group- C
(4)	Revenue Law (2 nd paper).	120	Group- B
(5)	Accounts (including Indian Accounts and Income Tax)	160	Group- C
(6)	Language (Hindi in Devnagri script.	150	Group- D

Written :

- (a) Translation of an English passage into Hindi in Devnagri script. 20
- (b) Explanation of Hindi passage in prose and poetry in the same language. 30
- (c) Composition (Essays Idioms & Correction etc). 30

Oral :

- (a) Reading a passage printed or cyclostyled in Hindi in 30

- Devnagri script.
- (b) Conversation in polished Hindi with Examiner. 20
- (7) Constitutional Law of India 100 Group- E
- (a) Theory of Constitutional Law.
- (b) Constitutional Law of India
-

(iii) The books and the syllabus from which the questions may be set have been prescribed in Annexure to these Regulations.

(iv) The paper in accounts and the papers in Revenue Law, except the Revenue Administration Manual, may be answered with the aid of books which will be provided in the Examination Hall for use by the candidates. The questions in those papers shall not be such as can be answered by copying a passage from book but shall be designed to test the practical Knowledge of the candidates and shall be confined, as far as possible, to cases arising in ordinary practice, facts of probable occurrence being stated and the candidates being required to find and apply the law or rules bearing on them. The other papers shall be answered without reference to books.

(v) Candidates who have the language paper at the time of competitive examination hold by the Commission after coming in to force of the Himachal Pradesh Judicial Service Rules, 2004 shall not be required to appear in the language paper.

(vi) All candidates are required to pass each group by higher standard, if he obtains half of the maximum marks, he will be held to have passed it by the lower standard.

(vii) Candidates shall be held to have passed with credit if they obtain atleast $\frac{3}{4}$ th of the maximum marks allotted to a group or groups taken, together as mentioned below at one examination :-

- (a) Group A-I and A-II
- (b) Group B and C
- (c) Group D
- (d) Group E

(viii) No candidate shall be held to have passed in Hindi unless he obtains at least 50% marks in each of the oral and written papers.

(ix) The examination Committee may, in a deserving and suitable case, grant five grace marks in any one or more papers.

(x) A candidate shall have the option of appearing in one or more subjects at one examination.

(xi) After each examination the names of those candidates who have passed by either standard or passed with credit will be communicated, as soon as possible, to the Government and shall also be published in the gazette.

18. Grant of travelling allowance/leave etc.- (i) The examination prescribed under these regulations shall be treated as obligatory examination and every candidate shall be entitled to draw T.A. as envisaged in supplementary Rule 130 or any other corresponding rule, as may be applicable.

(ii) The period sent for appearing in the examination shall be treated as duty.

19. Repeal and savings.-(i) The Himachal Pradesh Judicial Service (Departmental Examination) Rules, 1976 as amended from time to time and all other orders, notification issued thereunder shall stand repealed on and with effect from the coming into force of these Regulations.

(ii) Notwithstanding the repeal of the rules under sub-regulation (i) above, anything done, or any action taken, in the exercise of the powers conferred by or under the said rules shall be deemed to have been done or taken in exercise of the powers conferred by or under these Regulations as if these regulations were in force on the day on which such thing was done or action was taken.

20. Interpretation.- In case of any doubt about the interpretation of these Regulations, the decision of the Committee shall be final.

ANNEXURE

Books and Syllabus for the Departmental Examination for the Civil Judges (Jr. Division)

FIRST PAPER

(CRIMINAL LAW)

- (A) The Indian Penal Code, 1860 (45 of 1860) as amended upto date.
- (B) The Criminal Procedure Code, 1973 (2 of 1974) as amended upto date.
- (C) The Indian Evidence Act, 1872 (1 of 1872) as amended upto date.
- (D) The Probation of Offenders Act, 1958 (20 of 1958)as amended upto date.
- (E) Other Minor Criminal Acts.

SECOND PAPER

(Civil Law)

- (A) Code of Civil Procedure, 1908 (15 of 1908) as amended upto date.
- (B) The Indian Evidence Act, 1872 (1 of 1872) as amended upto date.
- (C) The Himachal Pradesh Court Fees Act, 1968 (8 of 1968) as amended upto date.
- (D) The Suit valuation A ct, 1887 (7 of 1887)as amended upto date.
- (E) The transfer of Property Act, 1882 (4 of 1882)as amended upto date.
- (F) The Himachal Pradesh Rent Control Act, 1987 (25 of 1987) as amended upto date.
- (G) The Himachal Pradesh Debt Reduction Act, 1976 (31 of 1976) as amended upto date.
- (H) Rules & Orders of the Punjab High Court (as in force in Himachal Pradesh) (Vol. IV).
- (i) Ch. 1 &2- Superintendence and Control

- (ii) Ch. 4- Courts fees and Stamps
- (iii) Ch. 5- Process fee
- (iv) Ch. 6&7 –Process Serving Establishment and Process- Civil Courts.
- (v) Ch. 9- Finger Impressions, Hand writing, Forged Stamps and Currency and Bank Notes.
- (vi) Ch. 19- Correspondence
- (vii) Ch. 20- Compliance with High Court precepts.
- (I) Pleadings draft of pleadings and the law relating thereto.

THIRD PAPER

(REVENUE LAW)

- (A) The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1972)as amended upto date.
- (B) The Himachal Pradesh Land Revenue Act 1953 (6 of 1954) as amended upto date.
- (C) The Himachal Pradesh Ceiling on Land Holdings Act, 1972 (19 of 1973) as amended upto date.
- (D) The Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974 (18 of 1974) as amended upto date.

FOURTH PAPER

(REVENUE LAW – II)

- (A) The Punjab Land Administration Manual, (1972 Edition).
 - i) Ch. I
 - ii) Ch. II
 - iii) Ch. IV
 - iv) Ch. IX
 - v) Ch. X
 - vi) Ch. XI
 - vii) Ch. XII
 - viii) Ch. XIII
 - ix) Ch. XIV and
 - x) Ch. XXII

(B)The Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, 1971 (20 of 1971) as amended upto date.

FIFTH PAPER

(ACCOUNTS

- (A) **Rules and Order of the High Court (Vol. II) (as in force in Himachal Pradesh)**

- i) Ch. 2- Guardian and Wards
- ii) Ch. 5- Official Receivers
- iii) Ch. 8- Civil Courts Accounts General
- iv) Ch. 8- Sherifs Petty Accounts Part- D
- v) Ch. 8- Civil Courts Deposits Accounts

Part- D.

(B) Compilation of Treasury Rules (Vol. I) (Main Rules)

Part- I

Section VI- Custody of Moneys relating to or standing in the Public Accounts.

Section VII- Withdrawal of Moneys from the public Accounts.

Section IX- Responsibility for money withdrawn.

PART- III

Section I- General Rules

Section II- Procedure for paying moneys into the public Account.

Section III- Procedure at Treasuries in receiving money and granting receipts.

PART- IV :

Section I- Cash in Departmental Chests

Section III- Verification of Cash Balance

PART- V :

Section I- Claims for withdrawals Chapter- I

Section III- Responsibility for money withdrawn.

PART –V :

Ch. II- Personal Claims of Government Servants.

PART- V :

Ch. III- Bills of Gazetted Government Servants.

Ch. IV- Bills of non- Gazetted Establishment.

Ch. V- Contigent Charges.

PART-IX-DEPOSITS :

Section IV- Civil and Criminal Court's Deposits.

Section V- Personal Deposits

Section VII- Deposits of Fees

(C)Himachal Budget Manual :

Ch. I- Introductory Annual Financial Statement or "Budget ".

Ch. II- Definitions.

- Ch. III-** Preparation and Submission of the Department Estimates.
- Ch. IV-** Estimates of Revenue and Receipts current budget.
- Ch. VI-** Estimates of ordinary expenditure.
- Ch. VII-** Consolidation of Estimates and Submissions of Demands for grants.
- Ch. VIII-** Communication and distribution of grants.
- Ch. VI-** Statement of Excesses and Surrenders.
- Ch. XII-** Expenditure not provided for in the budget estimates
Reappropriations.
- Ch. XIII-** Finance and appropriation Accounts Statement of Excess
Expenditure.

(C) Himachal Pradesh Financial Rules, 1971, Vol. I,(Financial Hand Book No. 2):

- Ch. I-** Definitions.
- Ch. II-** General Principles and Rules.
- Ch. III-** Special Rules for the treasuries.
- Ch. IV-** Revenue Receipts and their check.
- Ch. V-** Pay, Allowances and Pension general
Rules.
- Ch. VII-** Pay, Allowances etc. of Establishments.
- Ch. VIII** Contingencies.
- Ch. IX-** Miscellaneous Charges.
- Ch. X-** Loans and Advances.
- Ch. XII** Part III Courts Accounts.
- Ch. XIV-** Service and other funds.
- Ch. XVII-** Budget.
- Ch. XVIII** Powers and sanction.

(D) Central Civil Services (Pension) (Rules) 1972

(E) Central Civil Services (Leave) (Rules) 1972

(F) Fundamental Rules and Supplementary Rules Vol. I

- Ch. I-** Extent of application
- Ch. II -** Definitions
- Ch. III** General Conditions of Service
- Ch. IV-** Pay
- Ch. V** Additions to pay
- Ch. VI-** Continuation of appointments
- Ch. VII** Deputation out of India
- Ch. VIII** Dismissal, removal and suspension

- Ch. IX-** Retirement
- Ch. XI** Joining time
- (G) Fundamental Rules and Supplementary Rules
(Vol-II)**
- I-** Extent of application
- II-** Definitions
- III-** Medical certificates of fitness on first entry in to Government Service.
- IV-** Drawing of compensatory allowance.
- V-** Fees
- VI-** Travelling allowance
- Ch. I-** Grades of Government Servants
- Ch. II** The different kinds of travelling allowance.
- Ch. III** Travelling allowance admissible for different classes of Journeys.
- Ch. IV-** Travelling allowance admissible when means of transport are supplied without cost to the Government servant travelling.
- Ch. V-** Grant of travelling allowance to persons who are not in the civil service of the Government Controlling Officers.
- Ch. VI-** Controlling Officers
- Ch. VII** Gazetted and Non-Gazetted Government Servants.

SIXTH PAPER

(LANGUAGE-HINDI DEVNAGRI)

As per Metric standard no. books prescribed.

SEVENTGH PAPER

(CONSTITUTIONAL LAW OF INDIA)

- (A)** Theory of Constitutional Law
- (B)** Constitution of India

(R.H.P. dated 10-7-2004. P 588-592)

THE HIMACHAL PRADESH JUDICIAL SERVICE (PROMOTION FROM AMONGST THE CIVIL JUDGES (SR. DIVN.) TO THE POSTS OF DISTRICT/ADDITIONAL DISTRICT JUDGES ON THE BASIS OF LIMITED COMPETITIVE EXAMINATION) REGULATIONS, 2005.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla-1, the 19th/23rd May, 2005.

No. HHC/Rules/22(25)/83-9792.- Whereas in Column 3 against Serial No. 1 in the table under Rule 5 of Himachal Pradesh Judicial Service Rules, 2004, in clause (b) thereof there is a provision (with respect to method of recruitment of District Judges/Additional District Judges) that 25% of District Judges/Additional District Judges shall be appointed by promotion from amongst Civil Judges (Senior Division) on the basis of merit through a limited competitive examination as may be prescribed and conducted by the High Court in accordance with the Regulations;

Whereas Rule 2 of the aforesaid 2004 Rules, in clause (g) provides that the Regulations have to be framed by the High Court for prescribing the syllabus for the competitive examination and the suitability test to be conducted by the High Court for the cadre of the District Judges/Additional District Judges as well as various other items mentioned therein.

Now, therefore, in exercise of the powers conferred under Rule 2 (1) (g) (i) & (ii) read with Rule 5 of the Himachal Pradesh Judicial Service Rules, 2004, the High Court of Himachal Pradesh is pleased to make the following Regulations prescribing syllabus for limited competitive examination and allocation of marks for the cadre of Civil Judges (Senior Division):-

1. Short Title.- These Regulations shall be called “The Himachal Pradesh Judicial Service (Promotion from amongst the Civil Judges (Sr. Divn.) to the posts of District/Additional District Judges on the basis of limited Competitive Examination) Regulations, 2005.

2. Commencement.- These Regulations shall come into force with immediate effect.

3. Allocation of Marks.- The competitive examination for promotion from amongst the Civil Judges (Sr. Division) to the post of District Additional District Judges on the basis of limited competitive examination shall consist of:

(a) Written Examination	..	500 marks
(b) Viva-Voce	..	100 marks
(c) Judgments (Ten judgments, five civil and five Criminal to be picked up at random, i.e. ten marks for each of such judgments).	..	100 marks
(d) A.C.Rs. (ACRs. of preceding five Years, i.e. 10 marks for each year’s ACR).	..	50 marks
Total		----- 750 marks -----

4. Subjects and Syllabus.- The subjects and syllabus for the written examination shall be as follows:-

Paper-I:

Civil Law including local laws of Himachal Pradesh:

- (a) The Code of Civil Procedure, 1908.
- (b) The Indian Evidence Act, 1872.

- (c) The Transfer of Property Act, 1882.
- (d) The Guardian and Wards Act, 1890.
- (e) The Hindu Adoptions and Maintenance Act, 1956.
- (f) The Hindu Marriage Act, 1955.
- (g) The Hindu Succession Act, 1956.
- (h) The Land Acquisition Act, 1894.
- (i) Indian Succession Act, 1925.
- (j) Chapter X, XI and XII of the Motor Vehicles Act, 1988.
- (k) The Himachal Pradesh Rent Control Act, 1987.
- (l) The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1974).
- (m) The Himachal Pradesh Land Revenue Act, 1953 (6 of 1954).
- (n) The Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974 (8 of 1974).

Part-II:

Criminal Law including Special Laws:

- (a) The Indian Penal Code, 1860 (45 of 1860).
- (b) The Criminal Procedure Code, 1973 (2 of 1974).
- (c) The Indian Evidence Act, 1872 (1 of 1872).
- (d) The Narcotic Drugs and Psychotropic Substances Act, 1986.
- (e) The Prevention of Corruption Act, 1988.
- (f) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (g) The Prevention of Food Adulteration Act, 1954.
- (h) The Indian Forest Act, 1927.

Part-III:

General Knowledge including English Composition:

The knowledge of candidates regarding History, Geography, Current affairs, Developments in the recent past, Science and Technology etc. etc. In so far as the English Composition is concerned, the candidates would be expected to know about their command over English language including the drafting writing articles, essays etc. etc.

Note.- (i) Bare copies of legislative enactments only will be supplied.

(ii) Each paper will last for three hours. Paper I and II will carry 200 marks each and paper III 100 marks.

5. Setting of Papers.- The Examiner shall set the paper to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose the papers may also include questions giving facts of a given case requiring the candidates to frame issues, to write a judgment and to discuss the admissibility of evidence.

6. Minimum Qualifying Marks.- (i) No candidate shall be considered to have qualified the written test unless he obtains a minimum of 60% marks in each individual paper and minimum aggregate of 66% marks in all papers put together.

(ii) The standard for the English composition shall be that of

graduation examination of Himachal Pradesh University.

(iii) Out of the candidates who qualify written examination prescribed above, for each vacancy three candidates shall be called for viva-voce strictly in order of merit obtained in the written examination.

(iv) The marks obtained in viva-voce shall be added to the marks obtained in the written examination for drawing over-all merit of the candidates for preparing select list.

7. Result.- The result of the examination shall be declared immediately after completion of the *viva-voce* test.

(R.H.P.Extra., dated 31.5.2005., p. 965-967)

**THE HIMACHAL PRADESH JUDICIAL SERVICE (COMPETITIVE
EXAMINATION FOR THE CADRE OF DISTRICT
JUDGES/ADDITIONAL DISTRICT JUDGES) REGULATIONS, 2005**

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla- the 24/25th August, 2005.

No. HHC/Rules/22(25)/83-17942-53.- Whereas in column 3 against Serial No. 1 in the table under Rule 5 of the Himachal Pradesh Judicial Service Rules, 2004, in clause (c) there is a provision (with respect to method of recruitment of District Judges/Additional District Judges) that 25% of District Judges/Additional District Judges shall be appointed by direct recruitment from amongst eligible advocates, on the basis of examination, written as well as oral (viva-voce) test, as may be prescribed and conducted by the High Court in accordance with the Regulations;

Whereas Rule 2 of the aforesaid 2004 Rules, in clause (g) provides that the Regulations have to be framed by the High Court for prescribing the syllabus for the competitive examination and the suitability test to be conducted by the High Court for the cadre of the District Judges/Additional District Judges and allocation of marks for written examination as well as oral (viva-voce) test for the cadre of District Judges/Additional District Judges.

Now, therefore, in exercise of the powers conferred under Rule 2 (1) g (i) & (ii) read with Rule 5 of the Himachal Pradesh Judicial Service Rules, 2004, the High Court of Himachal Pradesh is pleased to make the following Regulations prescribing syllabus for competitive examination and the allocation of marks and for the conduct of examination for the cadre of District Judges/Additional District Judges to be appointed by direct recruitment:-

1. Short title.- These Regulations shall be called “the Himachal Pradesh Judicial Service (Competitive Examination for the cadre of District Judges/Additional District Judges) Regulations, 2005.”

2. Commencement.- These Regulations shall come into force with effect from the date of publication in the official gazette.

3. Definitions.- In these Regulations, unless there is anything repugnant to the subject or context, -

- (a) “Chairman” means the Chairman of the examination Committee;
- (b) “Committee” means the examination Committee constituted under these Regulations;
- ¹[(c) “examination” means the competitive examination under these regulations and includes the “Preliminary” as well as “Main” examinations.]
- (d) “Examiner” means the examiner appointed by the Committee under these Regulations;
- (e) “Rules” shall mean the Himachal Pradesh Judicial Service Rules, 2004;
- (f) “Schedule” means the schedule attached to these Regulations;
- (g) “Secretary” means the Secretary of the examination Committee.

4. (i) Constitution of the Committee.- The examination committee shall consist of:-

- (a) Chairman: Chief Justice
- (b) Members: Two or three Judges of the High Court, as may be nominated by the Chief Justice.
- (c) Secretary: Registrar General or such other officer of the High Court as may be nominated by the Chief Justice.

(ii) The committee shall be over all incharge of the examination and shall be responsible to ensure the implementation of these Regulations.

5. Submission of applications.- The applications shall be submitted by the advocates for appointment to the cadre of District Judges/Additional District Judges by direct recruitment from amongst eligible advocates who fulfill the qualifications as provided in Rule 5 of Himachal Pradesh Judicial Service Rules, 2004, in the format given in schedule-I to these Rules accompanied with a fee of Rs. 500/- for candidates of general category and Rs. 200/- for candidates belonging to Scheduled Castes, Scheduled Tribes, and Other Backward Classes.

6. Duties of the Secretary.- The Secretary may, with the prior approval of the committee, perform following duties in accordance with the procedure hereinafter mentioned:-

- (a) The Secretary shall issue all orders on behalf of the Committee relating to and in connection with the examination;
- (ii) The Secretary shall be responsible-
 - (a) to invite applications form desirous candidates;
 - (b) for making arrangements for the conduct of the examination;
 - (c) to receive the question papers from the examiners and make arrangement for the printing of the papers in accordance with these Regulations;

1. Regulation 3(c) subs. vide Not. No. HHC/Rules/22(25)83 8454, dated 20th/21st April, 2006, published in R.H.P. dated 6th May, 2006, p 209-211.

- (d) for making arrangements of superintendence of the examination, transmission of answer books to the examiners, for getting them evaluated and to receive them back;
- (e) for compiling and declaring the result; and
- (f) for the discharge of other functions envisaged by these Regulations or entrusted to him by the Committee from time to time.

¹[7. Holding and conduct of Competitive Examination.- The competitive examination for appointment to the cadre of District Judges/Additional District Judges to be appointed by direct recruitment, shall consist of ,-

(i) Preliminary examination:

All the candidates who apply for the post(s) and are found eligible shall be called for a preliminary examination which shall be an objective type examination, consisting of the following three papers of 100 marks each:-

- (a) Civil Law
- (b) Criminal Law
- (c) General Knowledge

Each paper shall be of one hour duration and examination in all the three papers shall be held on the same day.

(ii) Main examination :

On the basis of the merit obtained in the preliminary examination, candidates equal to thirty five times the number of vacancies to be filled in shall be called for taking the main examination :

Provided that minimum number of candidates to be called for appearing in the main examination shall be seventy five.

The papers/subjects for the main examination and the maximum marks for each paper shall be as follows:

Sl No.	Subject/Paper	Maximum marks
1	2	3
1.	Criminal Law	200
2.	Civil Law, including Land Revenue Law	200
3.	Constitutional Law	200
4.	General Knowledge Including English Composition.	200
		Total:- 800

The syllabus for the preliminary and the main examination shall be as is prescribed in the Schedule-II to those Regulations.

(iii) Viva-Voce :

Out of the candidates who qualify the main examination, according to the merit obtained therein, candidates shall be called for viva-voce in accordance with Regulation 10 (v). The viva-voce shall carry an aggregate mark of 300.]

8. Holding of examination.- (i) The examination shall be held on such date(s), as may be notified by the Secretary, with the approval of the committee.

(ii) The examination shall be held at Shimla in the High Court premises or at any other place or places as may be notified by the Secretary.

¹**[9. Answer books.-** (i) The Secretary shall supply the requisite number of question-cum-answer papers for the preliminary examinations. The instructions to the candidates shall be contained in the beginning of each question-cum-answer paper. All the said question-cum-answer papers shall bear the seal of the Secretary or shall be signed by the Superintendent of the Examination.

(ii) The Secretary shall supply the required number of blank answer book as well as question papers for the examination. The first page of every answer book shall contain the instructions. The answer books shall bear the seal of the Secretary or shall be signed and stamped by the Superintendent of examination.

(iii) Answer by the candidates must be written legibly on both sides of the paper. On no account shall any sheet or part of a sheet be torn or removed from any answer book. The candidates shall not write their names or put any other mark (s) anywhere in the answer book which may indicate their identity.

(iv) All answer book collected from the candidates shall be packed immediately on the conclusion of each paper and shall be sealed by the secretary/superintendent (examination) and forwarded to the examiners as quickly as possible.

(v) At the close of the examination an account of the answer books received and used together with all the unused answer books shall be drawn.

(vi) The answer books shall be kept for record for one year the declaration of the result.]

²**[10. Evaluation of the answer books and publication of the result.-** (i) The examiner(s) who set the question papers for the preliminary examination shall prepare the key (answer) which shall be handed over to the Secretary in a sealed cover. On the basis of the key (answer) the Secretary shall cause the question-cum-answer book of the preliminary examination to be evaluated and accordingly also prepare the award list and marks sheet immediately.

1. Regulation 9 subs. vide Not. No. HHC/Rules/22(25)83 8454, dated 20th/21st April, 2006, published in R.H.P. dated 6th May, 2006, p 209-211.

2. Regulation 10 subs. vide Not. No. HHC/Rules/22(25)83 8454, dated 20th/21st April, 2006, published in R.H.P. dated 6th May, 2006, p 209-211.

If in any preliminary examination a very large number of candidates appear, the examination committee may in its discretion decide to have the papers evaluated for marking through electronic means.

(ii) The secretary shall cause the answer books of various papers of the main examination evaluated from the examiners appointed by the committee and the examiners shall prepare award lists and marks sheets and forward the same to the Secretary alongwith the answer books within a month of the receipt of the answer books by them.

(iii) The result shall be compiled by the Secretary on receipt of the award lists and marks sheets and shall be placed before the Committee for its approval, with such recommendations, as may be deemed necessary.

(iv) No candidate shall be considered to have qualified in the "Main Examination" unless he obtains a minimum of 50% of marks in each individual paper and 55% in aggregate.

(v) For each vacancy, five candidates shall be called for viva-voce from out of the candidates who qualify the main examination prescribed in the manner indicated hereinabove, strictly in order of merit.

(vi) The marks obtained in viva-voce shall be added to the marks obtained in the main examination for preparing a select list of successful candidates. The select list so prepared shall remain valid for a period of one year from the date of its preparation.

(vii) The Secretary shall cause the select list and the result of the examination to be notified and published in the manner directed by the Committee. The Committee may also decide to inform the selected candidates about the result of the examination and/or the fact of their having been selected.

(viii) Based on the result of the examination the High Court may make appropriate recommendation to the State Government for issuance of appointment orders in accordance with Article 233 of the Constitution of India.]

11. Remuneration of the paper setter, evaluators of answer books etc.- The remuneration shall be paid to the examiners, examination superintendents and other staff deputed for the conduct of examination under these Regulations as may be fixed by Hon'ble the Chief Justice from time to time.

12. Conduct of the candidate in the examination hall.- (i) A candidate appearing in the examination shall be required to maintain perfect discipline and abide by the instructions given by the Secretary/Superintendent (Examination). He shall mark his attendance in the attendance roll, and shall not be permitted to leave the examination hall before handing over the answer book with Superintendent (Examination) except for short duration and superintendent (Examination) shall ensure that during his absence from the hall, the candidate has no opportunity of obtaining information relating to the question papers.

(ii) Any violation committed by the candidate shall amount to use of unfair means.

13. Unfair means.- The case of candidate who either at the time of examination or subsequently is found to have used unfair means will be

reported by the Secretary to the committee forthwith alongwith the answer book and any other documentary or oral evidence. The committee will thereafter decide the matter.

14. Medical examination.- No candidate shall be eligible for appointment to the service unless he appears for medical examination before the standing Medical Board and has been declared by such Board to be physically fit for the duties, which he will have to perform as a member of the service.

Note.- (i) The guidelines for the medial examination of candidates are contained in Schedule-III of these Regulations.

(ii) The name of a selected candidate shall be removed from the list of selected candidates, who fails to appear before the standing Medical Board for medical examination, without sufficient reason.

15. Interpretation.- In case of any doubt about the interpretation of these Regulations, the decision of the Chief Justice shall be final.

SCHEDULE-I

(Refer to Regulation 5)

FORMAT OF THE APPLICATION

1. Name :
2. Father's/husband's Name:
3. Date of Birth:
4. Nationality:
5. Academic Qualification:
6. Date of enrolment as an advocate with particulars of enrolment certificate (Please enclose copy of the enrolment certificate).
7. Details of examination passed:

Paste your
passport size
Photograph
here

Sl. No	Year	Examination Passed	Percentage of Marks	Name of Board/ University
1	2	3	4	5

8. Permanent address:
9. Address for correspondence with PIN:
10. Whether an income tax payee? If so, the details of the income for the last 3 years (Please enclose copies of income tax returns).
11. Whether belongs to Schedule Castes, Scheduled Tribes or other Backward Classes? If so attach the

certified copy of certificate issued by competent authority.

12. Names and addresses of two respectable persons, unconnected with candidate, testifying to the character and good behaviour as well as antecedents (original certificates issued by such persons to be attached).
13. Particulars of the payment of fee of Rs. 500/- (or Rs. 200/-), as the case may be.

P.O./D.D. No.....

Dated

Place:

Date:

Signature of the applicant.

VERIFICATION

Verified on this day of 2005 at that the information given above by me is true to my personal knowledge and belief. I further verify and state that I have not been dismissed from any offence involving moral turpitude nor have been bound down for good conduct under any of the provisions contained in Chapter VIII of Criminal Procedure Code or have been permanently debarred disqualified from appearing in any examination. Further declare that I have not more than one wife/husband (score of whichever is not applicable) living (if married) I am not an undercharged insolvent. I shall not directly or indirectly influence the selection process in any manner.

I hereby declare that I fulfill all the prescribed eligibility criteria for selection and appointment to the service.

I further state if the information given by me above and the declaration given above is found false or incorrect, my candidature or if appointed, my appointment shall be liable to be annulled.

Signature of the applicant.

¹[SCHEDULE-II

(Refer to Regulation 7)

BOOKS AND SYLLABUS FOR EXAMINATION FOR THE CADRE OF DISTRICT JUDGES ADDITIONAL DISTRICT JUDGES BY DIRECT RECRUITMENT FROM AMONGST ELIGIBLE ADVOCATES.

First Paper

Criminal Law including Special Laws

(I) **Major Manual.-** (a) The Indian penal Code, 1860

(b) The Criminal Procedure Code, 1973

1. SCHEDULE-II subs. vide Not. No. HHC/Rules/22(25)83 8454, dated 20th/21st April, 2006, published in R.H.P. dated 6th May, 2006, p 209-211.

- (c) The Indian Evidence Act, 1872
- (2) The Narcotic drugs and Psychotropic Substances Act, 1986.
- (3) The Prevention of Corruption Act, 1988
- (4) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (5) The Prevention of food Adulteration Act
- (6) The Indian Forest Act, 1927

Second Paper

Civil Law including local laws of Himachal Pradesh

- (a) The Code of Civil procedure, 1908
- (b) The Indian Evidence Act, 1872
- (c) The Transfer of Property Act, 1882
- (d) The Guardian & Wards Act, 1890
- (e) The Hindu Adoptions and Maintenance Act, 1956.
- (f) The Hindu Marriage Act, 1955
- (g) The Hindu Succession Act, 1956
- (h) The Land Acquisition Act, 1894
- (i) Indian Succession Act, 1925
- (j) Chapter No. X XI and XII of the Motor Vehicle Act, 1988.
- (k) The Himachal Pradesh Rent Control Act, 1987
- (l) The Himachal Pradesh Tenancy and Land Reforms Act, 1972.
- (m) The Himachal Pradesh Land Revenue Act, 1953
- (n) The Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974.

Third Paper

Constitutional Law

- (A) Theory of Constitutional Law
- (B) Constitution of India.

Fourth Paper

General Knowledge including English Composition

The knowledge of candidates regarding history, geography, current affairs developments in the recent past science and technology etc. etc. in so far as the English composition is concerned, the candidates would be expected to know about their command over English language including the drafting articles, essays etc. etc.

Note.- No bare Acts shall be supplied.]

SCHEDULE-III

(Refer to Note-I below Regulation 14)

GUIDELINES FOR THE MEDICAL EXAMINATION OF CANDIDATES FOR APPOINTMENT TO THE HIMACHAL PRADESH JUDICIAL SERVICE

(These guidelines are intended merely for the guidance of Medical Examiners and are not meant to restrict their discretion in any way).

1. To be passed as medically fit for admission to Himachal Pradesh Judicial Service, a candidate must be good mental and bodily health, and free from any physical defect likely to interfere with the efficient performance of the duties of his appointment.

2. The candidate's height will be measured as follows:-

He will remove his shoes and be placed against the standard with his feet together and the weight thrown on the heels and not on the toes or outer sides of the feet. He will stand erect without rigidity and with the heel colves, buttocks and shoulders touching the standard, and chin will be depressed to bring the vertex of the head level under the horizontal bar and the height will be recorded in inches and part of an inch to quarters.

3. The candidate's chest will be measured as follows:-

He will be made to stand erect with his feet together, and to raise his arms over his head. The tape will be so adjusted round the chest that its upper edge touches the interior angles of the shoulder blades behind and its lower edge, the upper part of nipples in front. The arms will then be lowered to hand loosely by the side, and care will be taken that the shoulders are not thrown upwards and backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times, and the maximum expansion of the chest will be carefully noted.

The range of expansion should not be less than 5 cm.

The minimum and maximum will than be recorded in centimeter, 84-89, 86-91, etc.

In recording the measurement fractions of less than $\frac{1}{2}$ should not be noted.

4. The candidate will also be weighed and his weight recorded in Pounds Fractions of a pound should not be noted.

5. The following conditions should be observed in connection with acuteness of vision:-

Vision of candidates:-

(a) No candidate will be accepted whose vision is less than-

Better eye

Worse eye

V-6/6 and reads 0.6

V-6/12 reads 1

Spectacles will be allowed for either eye upto +5 O. D or 5. O. D:

Provided that there are no morbid changes in the funds.

- (b) In myopia if there is posterior at phyloma the spectacles must not exceed-2.5 D in either eye.
 - (c) In cases of a astigmatism the combined lenses must not exceed 5 Diopters and there should be no fundus change.
 - (d) Squint or any other morbid condition of the eyes or of the lids of either eye liable to the risk of aggravation or recurrence will cause the rejection of the candidate.
 - (e) Each eye must have a full field of vision as tested by hand movements.
 - (f) Any defect in colour vision will be noted, but will not cause rejection of the candidate.
 - (g) In cases of doubt or of serious abnormality the opinion of the Ophthalmic Specialist will be obtained.
 - (h) No candidate will be accepted whose standard of vision does not come upto the specified requirements without the use of contact glasses.
6. The urine (passed in the presence of the examiner) should be examined and the result recorded.

7. The following additional points should be observed:-

- (a) that the candidate's hearing in each ear is good and that there is no sign of the disease of the ear;
- (b) that his speech is without impediment;
- (c) that his teeth are in good order and that he is provided with dentures where necessary for effective mastication (well filled teeth will be considered as sound).
- (d) that his chest is well formed and his chest expansion sufficient and that his heart and lungs are sound;
- (e) that there is no evidence of an abdominal disease;
- (f) that he is not ruptured;
- (g) that he does not suffer from hydrocele, a severe degree of vericoele, varicose veins or piles;
- (h) that his limbs, hands, and feet are well formed and developed and that there is free and perfect motion of all his joints.
- (i) That he does not suffer from any inveterate skin disease;
- (j) That there is no congenital malformation or defect;
- (k) that he does not bear traces of any acute or chronic disease pointing to an impaired constitution;
- (l) that he bears marks of efficient vaccination and evidence of re-vaccination within the last 12 months.

When any defect is found it must be notified in the certificate and the Medical Examiner should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation it should be so stated.

8. The following intimation is made for the guidance of the Medical Examiner:-

- (1) In the medical examination of candidates Medical Officers are special required to use fact and judgment and to take proper precaution secure privacy, with the object of removing any objection which may be made by individuals to stripping.
- (2) Should a candidate object to the exposure of his person or the detection of hemorrhoids, venereal disease, hernia and disease of the testicles, scrotum and rectum, the candidate must, if this examination in his case is in the opinion of the Board necessary, be rejected.
- (3) The opinion of the Board accepting or rejecting a candidate is final and cannot be questioned on any ground. The Board is debarred from disclosing to any candidate permanently unfit, the reasons of his rejection. In these cases their opinion and report is to be treated as strictly confidential and for the information of the Government only. Where, however, the board detects a temporary defect amenable to the treatment the candidates may be so informed in order that he has the defect remedied and present himself for re-examination.
- (4) No person will be deemed qualified for the admission to the Public Service who shall not satisfy the H.P. Government that he has no disease, constitutional affection or bodily infirmity unfitting him, or likely to unfit him for that service.
- (5) Should be understood that the question of fitness involves the future as well as the present and that the main object of medical examination is to ensure continuous effective service, and in the case of candidates for permanent appointment to prevent early pension or retirements in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service and that the reaction of a candidate need to be advised on account of the presence of a defect which is only a small proportion of cases is found to interfere with continuous effective service.
- (6) The candidate must make the statement required below prior to his medical examination and must sign the declaration appended hereto. His attention is specially directed to the warning contained in the note below:-

(1) State your name in full

(2) State your age and birth place

(3) (a) Have you ever had small pox, intermittent or any fever, enlargement or suppuration of glands, Spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism or appendicitis.

OR

(b) any other disease or accident requiring confinement to bed

and medical or surgical treatment?

OR

(c) suffered from any illness, wound or injuries sustained while on active service with his Majesty's Force during the last Great Wars?

(d) Have you ever been rejected by Medical Board or duly constituted Medical Authority?

(4) When were you last vaccinated?

(5) Have you or any your near relations been affected with consumption, scrofula, gout asthma, fits, epilepsy or insanity?

(6) Have you suffered from any form of nervousness due to over work or any other cause?

(7) Furnish the following particulars concerning your family:-

Father's age, if living and state of health	Father's age at death and cause of death	Name of brother living, their ages and state of health	No. of brothers dead, their Ages and cause of death	Mother's age, if living and state of health
1	2	3	4	5

Mother's age at death and cause of death	Number of sisters living and state of health	Number of sisters dead, their ages and causes of death
6	7	8

I declare all the above answers to be, to the best of my belief, true and correct and accept the finding of the Board as final.

Candidate's Signature.....

Note:- The candidate will be held responsible for accuracy of the above statement. By willfully suppressing an information he will incur the risk losing the appointment and if appointed, of forfeiting all claims to superannuation allowances or gratuity.

MEDICAL EXAMINER'S REPORT

Question	Answer	Remarks
1	2	3
1. Has the declaration above been signed by the candidate?		
2. Are there any evidence of malformation, Congenital or acquired?		
3. Is he free from scars and has he the full use of all limbs?		

4. Are there any indications of decided cachectic or diathetic state of constitution?
 5. Has the Candidate been vaccinated within the last twelve months?
 6. Are there any signs of disease of the nervous system?
 7. Is the hearing good? Is there any sign of Disease of the ears?
 8. What is the candidate's visions? R.E.V. with Glasses
.....
Reads Spectacles, if any
R.E.
L.E.
 9. Is the candidate free from stammer or other serious defect of speech?
 10. Are there any signs of disease of the bones, joints or parts connected therewith?
 11. Is there any important affection of the skin?
 12. Are the heart and arteries healthy?
 13. Has the candidate hemorrhoids, varicocele or other affections of veins?
 14. Is there any evidence of disease of the respiratory organs?
 15. Are there any signs of disease of digestive organs?
 16. Is the candidate free from rupture?
 17. Is there any indication of disease of the genital organs?
 18. Is the urine free from (1) Albumen (2) Sugar? Is the urine otherwise normal? 1.
2.
 19. Is there anything in the health of the candidate likely to render him unfit for the efficient discharge of his duties at the service for which he is a candidate?
 20. Do you consider the candidate in all respect qualified for the efficient and
-

continuous discharge of his
duties in the service for which
he is a candidate?

Height (without shoes):

Girth of chest	(Full inspiration)
Weight	President
Member	
Member	

Dated:

(R.H.P. dated 10-9-2005, p. 1011-1016)

**THE HIMACHAL PRADESH JUDICIAL SERVICE (SYLLABUS AND
ALLOCATION OF MARKS) REGULATIONS, 2005.**

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla, the 12/13th January, 2005.

No. HHC/Rules/22(25)/83-1375.- In exercise of the powers conferred under Rule 2 (1) (g) (i) & (ii) of the Himachal Pradesh Judicial Service Rules, 2004, the High Court of Himachal Pradesh is pleased to make the following Regulations prescribing syllabus for competitive and allocation of marks, for the cadre of Civil Judges (Junior Division):-

1. Short title.- These Regulations shall be called the Himachal Pradesh Judicial Service (Syllabus and Allocation of Marks) Regulations, 2005.

2. Commencement.- These Regulations shall come into force with immediate effect.

¹3. Allocation of Marks.- The competitive examination for the appointment to cadre of Civil Judges (Junior Division) to be appointed by direct recruitment shall consist of:

(i) Preliminary examination:

All the candidates who apply for the post(s) and are found eligible shall be called for a preliminary examination which shall be an objective type examination, consisting of the following three papers of 100 marks each:-

- (a) Civil Law-I
- (b) Civil Law-II
- (c) Criminal Law.

Each paper shall be of one hour duration and the examination in all the three papers shall be held on the same day.

1 . Regulation 3 subs. vide Not. No. HHC/Rules/22(25)/83-13413, dated 20th.21st June, 2006 published in R.H.P. dated 8th July, 2006, p. 583.

(ii) Main Examination:

On the basis of the merit obtained in the preliminary examination, candidates equal to fifteen the number of vacancies to be filled in shall be called for taking the main examination.

The main examination for the cadre of Civil Judges (Junior Division) shall consist of :

3. (a) Written Examination	900 marks
(b) Viva-voce	<u>100 marks</u>
Total	<u>1000 marks</u>

¹[The syllabus for the preliminary examination shall be same as provided for paper I to III for the main examination in Regulation 4 below.]

[However, in the preliminary examination, each paper in Civil Law-I, Civil Law-II and Criminal Law shall consist of 100 objective types multiple choice questions with one mark for each question but there shall not be any negative marking in the preliminary examinations.]

4. Subject and Syllabus.- The subjects and syllabus for the written examination and marks for each paper shall be as follows:-

Paper-I

Civil Law-I- Code of Civil Procedure, Indian Evidence Act, Himachal Pradesh Stamp Act, Himachal Pradesh Courts Act, 1976 and Specific Relief Act.

Paper-II

Civil Laws-II- Indian Contract Act, Hindu Law, Indian Limitation Act, Transfer of Property Act and H.P. Urban Rent Control Act.

Paper-III

Criminal Law- Indian Penal Code, Criminal Procedure Code, Chapter-XVII (Section 138 to 143) of the Negotiable Instruments Act, Punjab Excise Act as applicable to the State of H.P., Wild Life Protection Act and Indian Forest Act.

Paper-IV

English- A choice from three Essays on general subjects.

<i>Composition Essay</i>	...	150 marks
	Translation of Hindi	
	Passage into English	... 50 marks

Total ... 200 marks

Paper-V

Language

Hindi (in Devnagri Script) No books prescribed. The paper of Hindi, will comprise of the following:-

Translation of English into Hindi .. 30 marks.

Essay in Hindi on any topic out of three .. 50 marks.

Composition (Idioms and Corrections etc.) .. 20 marks

Total .. 100 marks

Viva-Voce

100 marks.

Note.- (i) Bare copies of legislative enactments only will be supplied.

(ii) Each paper will last for three hours. Paper I to IV will carry 200 marks each and paper V 100 marks. Viva-Voce will carry 100 marks:

Provided always that the High Court of Himachal Pradesh, whenever it considers necessary, may make alterations or modifications in the subjects, syllabus and distribution of marks.

5. Setting of Papers.-¹[The Examiner shall set the papers in the main examination to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose the papers shall include questions giving facts of a given case requiring the candidates to frame issues, to write a judgement and to discuss the admissibility of evidence.]

6. Minimum Qualifying Marks.- (i) No candidate shall be credited with any marks in ²[main examination] unless he obtained atleast 45% in that paper, except Hindi language paper (Paper V) in which candidate should obtain atleast 33% marks.

(ii) No candidate would be considered to have qualified the ³[main examination] unless obtains 50% marks in aggregate in all papers and atleast 33% marks in Language paper i.e. Hindi in Devnagri script.

(iii) The standard for the language paper shall be that of matriculation

1. Regulation 5 subs. vide Not. No. HHC/Rules/22(25)/83-13413, dated 20th/21st June, 2006 published in R.H.P. dated 8th July, 2006, p. 583.

2. Subs. for the words "any paper" vide Not. No. HHC/Rules/22(25)/83-13413, dated 20th/21st June, 2006 published in R.H.P. dated 8th July, 2006, p. 583.

3. Subs. for the words "written text" vide Not. No. HHC/Rules/22(25)/83-13413, dated 20th/21st June, 2006 published in R.H.P. dated 8th July, 2006, p. 583.

examination of the Himachal Pradesh Board of School Education.

(iv) The standard for the English paper shall be that of graduation examination of Himachal Pradesh University.

(v) That out of the candidates who qualify written examination prescribed above, for each vacancy five candidates shall be called for viva-voce strictly in order of merit obtained in the written examination. Category-wise merit list shall be drawn up so that the requisite number of candidates are called for each category as per the vacancies, reserved for each category.

(vi) The marks obtained in viva-voce test shall be added to the marks obtained in the [main examination] for drawing overall merit of the candidates for preparing select list.

7. Result.- (i) The result of the examination shall be declared immediately after completion of the viva-voce test.

(ii) The result shall also be published in the official gazette.

(iii) Selection of the candidates belonging to the Scheduled Caste, Scheduled Tribe and Other Backward Classes etc. shall be made in order of merit against the vacancies reserved for such categories and in the manner prescribed by the Government from time to time.

(iv) The inclusion of a candidate in the list of successful candidates shall not confer any right to appointment unless the Government is satisfied, after such enquiry as may be considered necessary, whether the candidate is suitable in all respects for appointment in service before an actual offer for appointment is made.

8. Medical Examination.- No candidate shall be eligible for appointment to the service unless he appears for medical examination before the Standing Medical Board and has been declared by such Board to be physically fit for the duties, which he will have to perform as a member of the service.

Note.- (i) The guidelines for the medical examination of candidates are contained in Annexure of these Regulations.

(ii) The name of a selected candidate shall be removed from the list of selected candidates, who fails to appear before the Standing Medical Board, for medical examination, without sufficient reason.

ANNEXURE

(Refer to Note-I below Regulation 8)

GUIDELINES FOR THE MEDICAL EXAMINATION OF CANDIDATES FOR ADMISSION TO THE HIMACHAL PRADESH JUDICIAL SERVICE

(The guidelines are intended merely for the guidance of Medical Examiners and are not meant to restrict their discretion in any way).

1. To be passed as medically fit for admission to Himachal Pradesh Judicial Service, a candidate must be good mental and bodily health, and free

1. Subs. for the words "written examination" vide Not. No. HHC/Rules/22(25)/83-13413, dated 20th/21st June, 2006 published in R.H.P. dated 8th July, 2006, p. 583.

from any physical defect likely to interfere with the efficient performance of the duties of his appointment.

2. The candidate's height will be measured as follows:-

He will remove his shoes and be placed against the standard with his feet together and the weight thrown on the heels and not on the toes or outer sides of the feet. He will stand erect without rigidity and with the heel calves, buttocks and shoulders touching the standard; and chin will be depressed to bring the vertex of the head level under the horizontal bar and the height will be recorded in inches and part of an inch to quarters.

3. The candidate's chest will be measured as follows:-

He will be made to stand erect with his feet together, and to raise his arms over his head. The tape will be so adjusted round the chest that its upper edge touches the interior angles of the shoulder blades behind and its lower edge, the upper part of nipples in front. The arms will then be lowered to hand loosely by the side, and care will be taken that the shoulders are not thrown upwards and backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times, and the maximum expansion of the chest will be carefully noted.

The range of expansion should not be less than 5 cm.

The minimum and maximum will than be recorded in centimeter, 84-89, 86-91, etc.

In recording the measurements fractions of less than $\frac{1}{2}$ should not be noted.

4. The candidate will also be weighed and his weight recorded in Pounds. Fractions of a pound should not be noted.

5. The following conditions should be observed in connection with acuteness of vision:-

Vision of candidates:-

(a) No candidate will be accepted whose vision is less than-

Better eye

Worse eye

V-6/6 and reads 0.6

V-6/12 reads 1

Spectacles will be allowed for either eye upto +5 D or 5. O. D:

Provided that there are no morbid changes in the fundus.

(b) In myopia if there is posterior at phyloma, the spectacles must not exceed-2.5 D in either eye.

(c) In cases of astigmatism the combined lenses must not exceed 5 Diopters and there should be no fundus change.

(d) Squint or any other morbid condition of the eyes or of the lids of either eye liable to the risk of aggravation or recurrence will cause the rejection of the candidate.

(e) Each eye must have a full field of vision as tested by hand movements.

(f) Any defect in colour vision will be noted, but will not cause rejection of the candidate.

- (g) In cases of doubt or of serious abnormality the opinion of the Ophthalmic Specialist will be obtained.
- (h) No candidate will be accepted whose standard of vision does not come upto the specified requirements without the use of contact glasses.

6. The urine (passed in the presence of the Examiner) should be examined and the result recorded.

7. The following additional points should be observed:-

- (a) that the candidate's hearing in each ear is good and that there is no sign of the disease of the ear;
- (b) that his speech is without impediment;
- (c) that his teeth are in good order and that he is provided with dentures where necessary for effective mastication (well filled teeth will be considered as sound);
- (d) that his chest is well formed and his chest expansion sufficient, and that his heart and lungs are sound;
- (e) that there is no evidence of an abdominal disease;
- (f) that he is not ruptured;
- (g) that he does not suffer from hydrocele, a severe degree of varicoele, varicose veins or piles;
- (h) that his limbs, hands, and feet are well formed and developed and that there is free and perfect motion of all his joints;
- (i) that he does not suffer from any inveterate skin disease;
- (j) that there is no congenital malformation or defect;
- (k) that he does not bear traces of any acute or chronic disease pointing to an impaired constitution;
- (l) that he bears marks of efficient vaccination and evidence of re-vaccination within the last 12 months.

When any defect is found it must be notified in the certificate and the Medical Examiner should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation it should be so stated.

8. The following intimation is made for the guidance of the Medical Examiner:-

- (1) In the medical examination of candidates, Medical Officers are special required to use fact and judgment and to take proper precaution secure privacy, with the object of removing any objection which may be made by individuals to stripping.
- (2) Should a candidate object to the exposure of his person or the detection of hemorrhoids, venereal disease, hernia and disease of the testicles, scrotum and rectum, the candidate must, if this examination in his case is in the opinion of the Board necessary, be rejected.

- (3) The opinion of the Board accepting or rejecting a candidate is final and cannot be questioned on any ground. The Board is debarred from disclosing to any candidate permanently unfit, the reasons of his rejection. In these cases their opinion and report is to be treated as strictly confidential and for the information of the Government only. Where, however, the board detects a temporary defect amenable to the treatment the candidate may be so informed in order that he has the defect remedied and present himself for re-examination.
- (4) No person will be deemed qualified for the admission to the Public Service who shall not satisfy the H.P. Government that he has no disease, constitutional affection or bodily infirmity unfitting him, or likely to unfit him for that service.
- (5) Should be understood that the question of fitness involves the future as well as the present, and that the main object of medical examination is to ensure continuous effective service, and in the case of candidates for permanent appointment to prevent early pension or retirements in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service and that the reaction of a candidate need to be advised on account of the presence of a defect which is only a small proportion of cases is found to interfere with continuous effective service.
- (6) The candidate must make the statement required below prior to his medical examination and must sign the declaration appended hereto. His attention is specially directed to the warning contained in the note below:-

- (1) State your name in full
- (2) State your age and birth place
- (3) (a) Have you ever had small pox, intermittent or any fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism or appendicitis.

OR

(b) any other disease or accident requiring confinement to bed and medical or surgical treatment?

OR

(c) suffered from any illness, wound or injuries sustained while on active service with his Majesty's Forces during the last Great Wars?

(d) Have you ever been rejected by Medical Board or duly constituted Medical Authority?

- (4) When were you last vaccinated?
- (5) Have you or any your near relations been affected with consumption, scrofula, gout, asthma, fits, epilepsy or insanity?
- (6) Have you suffered from any form of nervousness due to over work or any other cause?
- (7) Furnish the following particulars concerning your family:-

Father's age, if living and state of health	Father's age at death and cause of death	Name of brother living, their ages and state of health
1	2	3

No. of brothers dead, their ages and cause of death	Mother's age, if living and State of health	Mother's age at death and cause of death
4	5	6

Number of sisters living and health	State of health	Number of sisters dead, their ages and causes of death
7		8

I declare all the above answers to be, to the best of my belief, true and correct and accept the finding of the Board as final.

Candidate's Signature.....

Note:- The candidate will be held responsible for accuracy of the above statement. By willfully suppressing an information he will incur the risk losing the appointment and if appointed, of forfeiting all claims to superannuation allowances or gratuity.

MEDICAL EXAMINER'S REPORT

Question	Answer	Remarks
1	2	3
1. Has the declaration above been signed by the candidate?		
2. Are there any evidence of malformation, Congenital or acquired?		
3. Is he free from scars and has he the full use of all limbs?		
4. Are there any indications of decided cachectic or diathetic state of constitution?		
5. Has the Candidate been vaccinated within the last twelve months?		

6. Are there any signs of disease of the nervous system?
7. Is the hearing good? Is there any sign of Disease of the ears?
8. What is the candidate's visions?
9. Is the candidate free from stammer or other serious defect of speech?
10. Are there any signs of disease of the bones, joints or parts connected therewith?
11. Is there any important affection of the skin?
12. Are the heart and arteries healthy?
13. Has the candidate hemorrhoids, varicocele or other affections of veins?
14. Is there any evidence of disease of respiratory organs?
15. Are there any signs of disease of digestive organs?
16. Is the candidate free from rupture?
17. Is there any indication of disease of the genital organs?
18. Is the urine free from (1) Albumen (2) Sugar? Is the urine otherwise normal?
19. Is there anything in the health of the candidate likely to render him unfit for the efficient discharge of his duties at the service for which he is a candidate?
20. Do you consider the candidate in all respect qualified for the efficient and continuous discharge of his duties in the service for which he is a candidate?

R.E.V.
with
Glasses
.....
Reads
Spectacle
s, if any
R.E.L.E.

1.
2.

Height (without shoes);

Girth of Chest (Full inspiration)

Weight President
 Member
 Member

Dated:

**THE HIMACHAL PRADESH JUDICIAL SERVICE
(DEPARTMENTAL EXAMINATION FOR DIRECT RECRUITS TO
THE CADRE OF DISTRICT JUDGES), REGULATIONS, 2005.**

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla, the 19th May, 2005.

No. HHC/Rules/22(25)/83.- In exercise of the Powers conferred by rule 2 read with rule 18 of the Himachal Pradesh Judicial Service Rules, 2004, the Hon'ble the Chief Justice and Judges are pleased to make the following Regulations laying down the procedure for the conduct of the Departmental Examination for Direct Recruits to the cadre of District Judges.

1. Short title.- These Regulations shall be called the Himachal Pradesh Judicial Service (Departmental Examination for Direct Recruits to the Cadre of District Judges), Regulations, 2005.

2. Commencement.- These Regulations shall come into force immediately on its publication in the official gazette and shall govern the Departmental Examination in respect of direct recruits to the cadre of District Judges appointed in the service after the commencement of the Himachal Pradesh Judicial Service Rules, 2004.

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

- (a) "Chairman" means the Chairman of the examination Committee;
- (b) "Committee" means the examination Committee constituted under these Regulations;
- (c) "Chief Justice" means Chief Justice of High Court of Himachal Pradesh;
- (d) "Examination" means the departmental examination under these Regulations;
- (e) "Examiner" means the examiner appointed by the Committee under these Regulations;
- (f) "High Court" means High Court of Himachal Pradesh;
- (g) "Rules" shall mean the Himachal Pradesh Judicial Service Rules, 2004;
- (h) "Schedule" means the schedule attached to these Regulations;
- (i) "Secretary" means the Secretary of the examination Committee.

4. Examination Committee.- (i) The Committee shall be over all Incharge of the examination and shall be responsible to ensure the implementation of these Regulations.

(ii) The Committee shall consist of:-

- (a) Chairman – Hon'ble the Chief Justice;

- (b) Members – Two Hon'ble Judges to be nominated by the High Court.
- (c) Secretary – Registrar General High Court of Himachal Pradesh shall be the Secretary of the Committee.

5. Duties of Secretary.- The Secretary shall perform following duties in accordance with the procedure hereinafter mentioned:-

- (i) The Secretary shall issue all orders on behalf of the Committee relating to and in connection with the examination;
- (ii) The Secretary shall be responsible-
 - (a) for making arrangements for the conduct of the examination;
 - (b) to receive the question papers from the examiners and make arrangement for the printing papers in accordance with these Regulations.
 - (c) for making arrangements of superintendence of the examination, transmission of answer books to the examiners for getting them evaluated and to receive them back;
 - (d) for compiling and declaring the result; and
 - (e) for the discharge of any other functions envisaged by these Regulations or entrusted to him by the Committee from time to time.

6. Holding of Examination.- (i) The examination shall be held after such intervals as decided by the Committee keeping in view the exigencies of service.

(ii) The examination shall be held at Shimla in High Court or at any other place as may be notified by the Secretary with the approval of the Committee.

7. Departmental Examination.- (i) A direct recruit to the cadre of District Judges shall appear in the departmental examination.

(ii) A direct recruit to the cadre of District Judges shall clear all the papers with prescribed percentage of marks in four chances within two years of the period of probation:

Provided that further chances can be given to the direct recruit to clear the departmental examination as per the rules.

(iii) In case a direct recruit to the cadre of District Judges does not appear in one or more papers it shall be deemed that he has availed the chance.

8. Commencement of the Examination.- The date of the commencement of the examination shall be notified by the Secretary and the date sheet, which shall also be drawn by him, shall be sent to each candidate alongwith the roll assigned to him at the address given by the candidate in his application form.

9. Conduct of Examination.- The Secretary shall be responsible for

the conduct of the examination and shall appoint Superintendent/Invigilator(s) and other staff for the examination centre keeping in view the work load and may issue instructions relating thereto.

10. Answer Books.- (i) The Secretary will supply the required number of blank answer books and question papers. The first page of the answer book shall contain the instructions, if any. The answer books shall bear the signature and seal of the Secretary or shall be signed and stamped by the Superintendent of examination.

(ii) Answer by the candidates must be written legibly on both sides of the paper. On no account whatever a sheet or part of the sheet shall be torn or removed from answer book. The candidates shall not write their names or put any other mark(s) anywhere in the answer book which may indicate their identity.

(iii) All answer books collected from the candidates shall be packed properly, immediately on the conclusion of each paper and shall be sealed by the Secretary/Superintendent Examination who shall forward the same to the examiners as quickly as possible.

(iv) At the close of the examination the account of the answer books received and used together with all unused answer books shall be prepared.

(v) The answer books shall be kept on record for three months after the declaration of the result and its notification in the Himachal Pradesh Rajpatra.

11. Question Paper.- (i) The Committee shall appoint the examiner for each paper. The question papers will be received from the examiners by the Secretary who shall be responsible for getting them printed/xeroxed under complete secrecy.

(ii) The question papers for the examination will be kept duly sealed by the Secretary in his safe custody.

(iii) The sealed packets containing the question papers shall be opened by the Secretary/Superintendent examination, in the Examination Hall not more than half an hour before the commencement of the examination in the presence of the invigilators, if any.

12. Evaluation of answer books and publication of result.- (i) The Secretary shall cause the answer books of various papers evaluated from the examiners appointed under Regulation 11(i) and the examiners shall prepare an award list and marks sheet and forward the same to the Secretary alongwith the answer books within two weeks of the receipt of the answer books by them.

(ii) The result shall be compiled by the Secretary on receipt of the award lists and marks sheet and shall be placed before the Committee for its approval, with such recommendations as he may deem necessary.

(iii) The result shall be notified in Himachal Pradesh Rajpatra.

(iv) The record of the result shall be prepared and kept in Register for examination of direct recruit to the cadre of District Judges.

13. Remuneration of the paper setter, evaluators of answer books, Supdt. of the examination.- The remuneration shall be paid at the following rates to the examiners and the examination superintendents and other staff

deputed for the purpose of conduct of examination under these Regulations:-

- | | | |
|----|--|---|
| 1. | Setting of Examination Papers | Rs.250/- per question paper plus Rs. 100/-for supplying solution, if asked for. |
| 2. | Evaluation of answer books | Rs. 50/- per answer book subject to a minimum of Rs. 250/-. |
| 3. | Examination Superintendent | Rs. 200/- per session Rs. 300/- per day (Two Sessions). |
| 4. | Dy. Supdt. | Rs. 150/- per session Rs. 225/- per day (Two Sessions). |
| 5. | Invigilators | Rs. 125/- per session Rs. 200/- per day (Two Sessions). |
| 6. | Clerk/Typist/Computer Operator/
Machine Operator/Driver | Rs. 75/- per session Rs. 150/- per day (Two Sessions) |
| 7. | Class-IV | Rs. 50/- per session Rs. 100/- per day (Two Sessions): |

Provided that the above remuneration may be altered by the Committee from time to time.

14. Directions for the conduct of the examination.- The Secretary may, with the approval of the Committee, from time to time, issue such directions in accordance with these Regulations for conduct of examination and for implementation of these Regulations and such other instructions, as he may deem proper, for effective enforcement of these Regulations.

15. Conduct of the candidate in the Examination Hall.- (i) A candidate appearing in the examination shall be required to maintain perfect discipline and abide by the instructions given by the Secretary/Superintendent examination. He shall mark his attendance in the attendance roll, and shall not be permitted to leave the examination hall before handing over the answer book except for short duration with the permission of Secretary/Superintendent examination who will ensure that during his absence from the hall, the candidate has no opportunity of obtaining information/assistance relating to the question papers.

(ii) Any violation of these Regulations committed by the candidate will be deemed to be misconduct and the matter will be reported by the Secretary to the Committee who shall deal with the case in the manner provided in rule 16.

16. Unfair means.- The case of a candidate who, either at the time of examination or subsequently, is found to have used unfair means will be reported by the Secretary to the Committee forthwith alongwith the answer book and any other documentary or oral evidence. The Committee shall decide the action to be taken against such candidate and may impose one or more of the following penalties:-

- (a) The candidate may be declared fail in the entire examination;
- (b) The candidate may be declared fail in one or more papers; and
- (c) Any violation of the Regulations committed by the candidate may be recommended by the Committee to the High Court for taking appropriate action.

17. Written papers.- (i) All the written papers shall be of the duration of three hours each except Hindi which shall be of one hour duration.

(ii) There shall be following six papers carrying marks mentioned against each:

Sl. No.	Subject	Marks
1	2	3
(1)	Criminal Law	100
(2)	Civil Law	100
(3)	Revenue Law	100
(4)	Constitution of India	100
(5)	High Court Rules/Orders and Accounts	100
(6)	Language (Hindi in Devnagari script)	50

(iii) The books and the syllabus from which the questions may be set have been prescribed in the Schedule.

(iv) The paper concerning High Court Rules and Orders and Accounts may be answered with the aid of books which will be provided in the Examination Hall for use by the candidates. The other papers shall be answered without aid of books.

(v) The candidates are required to pass all the papers with minimum 60% marks in each paper except Hindi in which the candidates are required to obtain minimum 50 marks. A candidate qualifying one or more papers shall not be required to appear in that/those papers in the next examination(s).

(vi) The Examination Committee may, in a deserving and suitable case, grant maximum five grace marks, which can be given in one or may be spread over in more papers.

18. Grant of travelling allowance/leave etc.- (i) The examination prescribed under these regulations shall be treated as obligatory examination and every candidate shall be entitled to draw T.A. as envisaged in Supplementary Rule 130 or any other corresponding rule, as may be applicable.

(ii) The period spent for appearing in the examination shall be treated as period spent on duty.

19. Interpretation.- In case of any doubt about the interpretation of these Regulations, the decision of the Committee shall be final.

SCHEDULE

BOOKS AND SYLLABUS FOR THE DEPARTMENTAL EXAMINATION FOR THE DISTRICT JUDGES

FIRST PAPER

(Criminal Law)

- (A) The Indian Penal Code, 1860.
- (B) The Criminal Procedure Code, 1973.
- (C) The Indian Evidence Act, 1872.
- (D) The Narcotic Drugs and Psychotropic Substances Act, 1986.
- (E) The Prevention of Corruption Act, 1988.
- (F) The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (G) The Prevention of Food Adulteration Act, 1954.
- (H) The Indian Forest Act, 1927.

SECOND PAPER**(Civil Law)**

- (A) Code of Civil Procedure, 1908.
- (B) The Himachal Pradesh Court Fees Act, 1968.
- (C) The Suits Valuation Act, 1887.
- (D) The Transfer of Property Act, 1882.
- (E) The Himachal Pradesh Rent Control Act, 1987.
- (F) The Guardian & Wards Act, 1890.
- (G) The Hindu Adoptions and Maintenance Act, 1956.
- (H) The Hindu Marriage Act, 1955.
- (I) The Hindu Succession Act, 1956.
- (J) The Land Acquisition Act, 1894.
- (K) Indian Succession Act, 1925.
- (L) Chapter X, XI and XII of the Motor Vehicles Act, 1988.

THIRD PAPER**(Revenue Law)**

- (A) The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1974).
- (B) The Himachal Pradesh Land Revenue Act, 1953 (6 of 1954).
- (C) The Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974 (18 of 1974).
- (D) Chapter I, II, IV, IX, X, XI, XII, XIII, XIV and XXII of the Punjab Land Administration Manual, (1972 Edition).

FOURTH PAPER**(Constitution of India)**

- (A) Theory of Constitutional Law.
- (B) Constitution of India.

FIFTH PAPER

(High Court Rules and Orders and Accounts)**PART-I**

Rules and Orders of Punjab High Court (Vol. IV) (as in force in Himachal Pradesh):

- | | | |
|----------------|---|--|
| (i) Ch: 1 & 2 | | Superintendence and Control. |
| (ii) Ch: 4 | | Courts fees and Stamps. |
| (iii) Ch: 5. | | Process fee. |
| (iv) Ch: 6 & 7 | – | Process serving Establishment
Civil Courts. |
| (v) Ch: 9 | | Finger impressions, Hand
Writing, Forged Stamps and
Currency and Bank Notes. |
| (vi) Ch: 19 | | Correspondences. |
| (vii) Ch: 20 | | Compliance with High Court
precepts. |

PART-II

(A) Rules and Orders of the Punjab High Court (Vol. II) (as in force in Himachal Pradesh):

- | | | |
|-------------|---|---------------------------------------|
| (i) Ch: 5 | - | Official Receivers. |
| (ii) Ch: 8 | - | Civil Courts Accounts General. |
| (iii) Ch: 8 | - | Sherif's Petty Accounts Part-D. |
| (iv) Ch: 8 | - | Civil Courts Deposit Accounts Part-D. |

(B) Central Civil Services (Pension) Rules, 1972.

(C) Central Civil Services (Leave) Rules, 1972.

(D) Fundamental Rules & Supplementary Rules (Vol. I) and (Vol. II).

SIXTH PAPER**Language****(Hindi in Devnagri script)**

- (A) Translation of English into Hindi.
(B) Translation of Hindi into English.

Extra., dated 3-6-2005, P. 1069-1075)

(R.H.P.)

