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GOVERNMENT OF ARUNACHAL PRADESH
LAW, JUSTICE AND LEGISLATIVE DEPARTMENT
ITANAGAR

NOTIFICATION

Dated Itanagar, the 4th December, 2006

No.Jud-10/2006 :- In exercise of the powers conferred by the proviso to Article 309 read with Article 234 of the Constitution of India, the Governor of Arunachal Pradesh is pleased to make, in consultation with the Gauhati High Court and Arunachal Pradesh Public Service Commission, the following rules regulating the conditions of service of persons appointed to the Arunachal Pradesh Judicial Service.

Short Title & Commence-ment.	1. (1) These rules may be called the ' Arunachal Pradesh Judicial Service Rules, 2006. ' (2) They shall come into force from the date of their publication in the Official Gazette.
Definition	2. In these Rules, unless there is anything repugnant to the subject or context :- (a) "Chief Justice" means the Chief Justice of the Gauhati High Court ; (b) "Governor" means the Governor of Arunachal Pradesh ; (c) "Constitution" means the Constitution of India ; (d) "Commission" means The Arunachal Pradesh Public Service Commission ; (e) "Government" means the Government of Arunachal Pradesh ; (f) "High Court" means "The Gauhati High Court"; (g) "Members of the Service" means the officers appointed or deemed to have been appointed under the provisions of these Rules ; (h) "Appointing Authority" means the authority mentioned in Rule-6 ; (i) "Service" means the Arunachal Pradesh Judicial Service ; (j) "Year" means the English Calendar Year.
Constitution of service	3. There shall be constituted a service to be known as the Arunachal Pradesh Judicial Service, consisting of three grades of officers as shown in Schedule -A appended to the Rules.
Strength of the service	4. (1) The strength of the service and cadre shall be determined by the Governor in consultation with the High Court, from time to time. (2) The Governor may, except in case of the Registrar, from time to time, leave unfilled or hold in abeyance any post in the Cadre or may increase the Cadre by the creation of additional, permanent or temporary posts as may be found necessary, in consultation with the High Court.
Recruitment	5. (1) The Chief Justice shall fill up the post of Registrar, Deputy Registrar and Assistant Registrar by virtue of Article-229(1) of the Constitution ordinarily from Grade-I, Grade-II and Grade-III of the service respectively. (2) Notwithstanding anything contained in these Rules, the conditions of service of the persons appointed to the post of Registrar, Deputy Registrar and Assistant Registrar, shall be regulated by the rules that may be made under Article-229(2) of the Constitution.
Appointing au- thority	6. (1) Appointment to the posts in Grade-I, Grade-II and Grade-III shall be made by the Governor.

- (2) Conferment of Super Time Scale and Selection Grade Scale in Grade-I shall be made by the High Court.
7. In respect of each category of posts specified in Column (2) of the Table below, the method of recruitment and minimum qualification, age limit etc. are specified in the corresponding entries in column (3) and (4) thereof.
- Method of recruitment, qualification, reservation and age limit.

Provided that the 3 (three) adhoc Additional Sessions Judges who were selected and appointed by the Government, in consultation with the Gauhati High Court, in the year 2002 as Presiding Officers of the 3(three) Fast Track Courts on contract basis under the specific scheme of the Central Government and have since been rendering services under the control and supervision of the Gauhati High Court, may be considered for absorption in the Grade-I of the Service.

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

TABLE
(See rule-7)

Sl. No.	Cadre	Method of Recruitment	Qualification
(1)	(2)	(3)	(4)
1.	Grade-I	(i) Not exceeding 25% of the posts in the Grade may be filled by direct recruitment on the basis of the aggregate marks / grade secured in a competitive examination conducted by the High Court as specified in Schedule-B of the rules (ii) 25% of the posts in the Grade shall be filled by promotion from the cadre of Grade-II strictly on the basis of merit through limited departmental competitive examination conducted by the High Court as specified in Schedule-B of the Rules. (iii) Remaining 50% of the posts in the Grade shall be filled by promotion from the cadre of Grade-II of the Service on the basis of merit cum seniority by the High Court, following the criteria in Schedule-C.	1. Must be holder of degree in law of a recognized University. 2. Must be practicing as an advocate in Courts of Civil and Criminal jurisdiction on the last date fixed for receipt of applications and must have so practiced for a period of not less than seven years as on such date. Must have attained the age of thirty five years and must not have attained the age of forty eight years in case of candidates belonging to Arunachal Pradesh Scheduled Tribes and forty five years in the case of others, as on the last date fixed for receipt of application. Must have been in the cadre of Grade-II for a period of not less than five years. Must have been in the cadre of Grade-II for a period of not less than five years.
2.	Grade-II	By Promotion from the cadre of Grade-III selected by the High Court on the basis of criteria indicated Schedule-C	Must have been in the cadre of Grade-III for a period of not less than five years.
3.	Grade-III	(i) 50% of the posts may be filled up by direct recruitment on the basis of aggregate marks secured in competitive examination to be conducted by the Commission in the manner indicated in Schedule-B (ii) 50% of the posts may be filled up on the basis of the results of the competitive examination to be conducted by the High Court as indicated in Schedule-B Provided that all the vacancies may be filled up from one source only if the other source fails to recommend candidates within the period specified in the letter of requisition and it is considered expedient so to do in public interest	1. Must be holder of degree in law granted by a recognized University established by law in India 2. Must not have completed, as on the last date fixed for receipt of applications 38 years of age in the case of candidates belonging to Arunachal Pradesh Scheduled Tribes and 35 years of age in the case of others.



(1)	(2)	(3)	(4)
4.	Selection Grade Scale	25 % of the posts in Grade-I shall be in Selection Grade to be conferred in accordance with the procedure laid down in Schedule-C.	Must have served in Grade-I for not less than five years.
5.	Super time Grade Scale	10% of the posts in Grade-I shall be in Super time Scale to be conferred in accordance with the procedures laid down in Schedule-C	Must have served in Selection Grade for not less than three years.
Reservation	8.	Save as otherwise provided hereinabove relating to relaxation of age for reserved category candidates, appointment to the Service made by direct recruitment and promotion shall be subject to the following provisions of the Govt. of Arunachal Pradesh reservation policy in force : (a) Direct Recruitment : 80 % reserved for APST candidates 20 % unreserved (b) Promotion : 50 % reserved for APST candidates 50 % unreserved	
Disqualification for appointment	9.	No person shall be eligible for appointment to the service (a) unless he is a citizen of India ; (b) if he has been dismissed from service by any High Court, Government or statutory or local authority ; (c) if he has been convicted of an offence involving moral turpitude or who is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing in any examination or selection conducted by it ; (d) if he directly or indirectly influence the recruiting authority by any means for his candidature ; (e) if he /she has more than one spouse living.	
Selection Procedure	10.	(1) For a vacancy to be filled by promotion the recruiting authority shall take all necessary steps well in advance so as to finalize the list of persons considered eligible for promotion at least 15 days before the occurrence of the vacancy. (2) (i) Whenever two or more vacancies required to be filled by direct recruitment occur in acadre in the service or once in two years, whichever is earlier, the recruiting authority shall invite by advertisement in the official Gazette and in at least two newspapers, applications in such form as it may determine from intending candidates who posses the prescribed qualifications. The advertisement shall indicate the number of vacancies reserved for Arunachal Pradesh Scheduled Tribes and contain all necessary information relating to the recruitment. It shall also indicate that an additional list of selected candidates would be prepared as per clause(iv). (ii) The decision recruiting authority authority as to the eligibility or otherwise of a candidate for admission to the written and viva-voce examination shall be final and no candidate to whom certificate of admission has not been issued shall be admitted for the examination. (iii) The recruiting authority shall, on the basis of cumulative grade value secured by a candidate, and taking into consideration the orders, if any, in force relating to reservation of posts for Arunachal Pradesh Scheduled Tribes, prepare in the order of merit assessed as provided in Schedule-B, a list of selected candidates which shall be equal to the number of vacancies notified. (iv) The recruiting authority shall, in accordance with the provisions of clause-(iii), also prepare an additional list of candidates on merit not included in the list of candidates prepared under clause (iii) above, in which the number of candidates to be included shall, as far as possible be 10% of the number of vacancies notified for recruitment or one, whichever, is higher. (v) The list of successful candidates so prepared under clauses (iii) and (iv) above shall be published in at least two newspapers and they shall cease to be operative on the expiry of one year from the date of such publication. (vi) Candidates whose names are included in the first list prepared under clause (iii) above shall be considered for appointment in the order in which their names appear in the list. Candidates whose names are included in the additional list may be similarly considered for appointment against vacancies, if available, after appointment of the candidates of the first list. (vii) Inclusion of the name of a candidate in any list prepared under clause-(iii) or (vi) shall not confer on the candidate any right of appointment.	

11. Every candidate for direct recruitment shall be required to pay such fees as may be specified in the notification inviting application. Fees
- Provided that in the case of candidate belonging to Arunachal Pradesh Scheduled Tribes, the fees payable shall be one half of the fees specified in the notification for other candidates.
12. (1) No person selected for appointment by direct recruitment shall be appointed- Conditions relating to suitability, fitness and character.
 - (i) unless the appointing authority is satisfied that he possesses a good moral character and is in all respect suitable for appointment to the service ;
 - (ii) unless he is certified by the medical authority of the State Health department for the purpose that he is medically fit to discharge the duties of the post to which he is selected for appointment.
- (2) Every candidate selected for appointment by direct recruitment shall furnish certificates from two respectable persons unconnected with his college or university where he studied and not related to him, testifying to his character, in addition to the certificate which may be required to be furnished from the educational institution last attended by him.
13. (1) A candidate by direct recruitment shall report for duty to such authority and within such date as may be specified in the order of appointment. Joining time for appointment
- (2) Notwithstanding anything contained in sub-rule-(1), the appointing authority may, on an application by the candidate, if so satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as it may deem necessary for joining.
- (3) An appointee who fails to assume the charge of the post within the time specified in the sub-rule (1) or (2), shall cease to be eligible for joining the service and his name shall be removed from the list of selected candidates.
14. (1) There shall be a training for the officers appointed in Grade-III and Grade-I of the service by direct recruitment as the High Court may deem fit and proper as per Schedule-D. Training
- (2) The High Court may arrange Refresher Course for officers of all cadres from time to time. The Judicial Officers may also be deputed for Training / Refresher Course outside the State or outside the country in consultation with the State Government.
15. (1) All appointments to the service by direct recruitment shall be on probation for a period of two years. Probation, officiation, confirmation and increment
- (2) All appointments 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, of an officer may, for reasons to be recorded in writing, be extended by such period not exceeding the period of probation or officiation, 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 to hold the post/grade to which he was appointed or promoted and -
 - (i) if he/she is found suitable to hold the post/grade 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 , the appointing authority shall, as soon as possible, issue an order declaring him/her to have satisfactorily completed the period of probation or officiation, as the case may be; and such an order shall have effect from the date of expiry of the period of probation or officiation including extended period, if any, as the case may be.
 - (ii) if the officer is not found suitable to hold the post/grade to which he/she was appointed or promoted, as the case may be, the appointing authority shall by order-
 - (a) if he/she is a promotee, revert him/her to the post/grade which he/she held prior to his/her promotion ;
 - (b) if he/she is a probationer, discharge him from service.
- (5) A person shall not be considered to have satisfactorily completed the period of probation or officiation, as the case may be, unless a specific order to that effect is passed. Any delay in passing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of officiation or probation.
- (6) (i) Notwithstanding hereinabove, the appointing authority may, at any time during the period of probation, discharge from service a probationer on account of his/her unsuitability for the service.

- (ii) An order under clause (i) shall indicate the grounds for the discharge but no disciplinary enquiry shall be necessary.
- (7) No appeal shall lie against an order discharging a probationer or an order reverting a promotee to the post held by him/her prior to his/her promotion.
- (8) An officer who has been declared to have satisfactorily completed his/her period of probation or officiation shall be confirmed in the service in the category of post/grade to which he/she was appointed or promoted, as the case may be, at the earliest opportunity against substantive vacancy.
- (9) (a) A promotee or probationer may draw the increment that fall due during the period of probation or officiation. He/she shall not, however, draw any increment after the expiry of the period of probation or officiation unless and until he/she is declared to have satisfactorily completed his/her probation or officiation, as the case may be.
- (b) When a probationer or promotee is declared to have satisfactorily completed his/her probation or officiation, as the case may be, he/she shall draw, as from the date such order takes effect, the pay he/she would have drawn had he/she been allowed the increment for the whole of his/her service from the date of his/her appointment on probation or officiation, as the case may.
- (10) Notwithstanding anything contained in sub-rules (1) and (2) where the validity of the appointment of an officer –
- (a) on probation is questioned in any legal proceedings before any Court of law, the period of probation of such officer shall continue till the final disposal of such proceedings ;
- (b) on officiating promotion is questioned in any legal proceedings before any Court of law, the period of officiation of such promotion of such officer shall continue till the final disposal of such proceedings ;
- Pay 16. (1) The pay of all the members of the various grades of service shall be as mentioned in the Schedule-A-appended to these Rules.
- (2) The existing members of the service may be absorbed in the respective grades as they may be holding on the commencement of these Rules and shall be eligible for pay scales provided for such posts.
- Seniority 17. (1) An officer appointed or promoted in accordance with the Rules, on regular basis shall be senior to persons appointed on ad-hoc or temporary basis.
- (2) The seniority inter-se of the members of the service, appointed on the basis of result of Competitive Examination/Limited Departmental Examination shall be determined according to the Merit List prepared by the Concerned authority.
- (3) Where officers are recruited to a Cadre by promotion or by direct recruitment on the same date the officers recruited by promotion shall take precedence over the direct recruit officer(s).
- (4) Where two officers are placed at the same position of the Merit List, the person senior in age shall be senior to the other.
- (5) The inter-se seniority of persons appointed in Grade-I shall be determined in accordance with the dates in which they report for duty subject to merit list.
- (6) Where more than one Officer is promoted to a cadre by the same order, the inter-se seniority of persons so promoted shall be determined by their inter –Se Seniority in the Lower Cadre unless directed otherwise.
- (7) A 40 (Forty) point roster is to be maintained for appointment/promotion to the post of Grade-I in service. The posts at Serial Nos. 1 and 2 will go to the promotees under 50/ quota. The post at Serial No. 3 shall go to the promotees under the limited departmental Competitive Examination and the post at Serial No.4 shall be available to direct recruit. This process shall be repeated till all the posts in the cadre are filled up in the roster in the manner stated.
- (8) The High Court shall prepare and publish a seniority list of Officers in all Cadres from time to time and the list so published shall be used for the purpose of consideration for promotion to the next higher cadre.
- (9) The Seniority inter-se of the members of the service absorbed by way of initial recruitment will be determined on the basis of their inter-se seniority under the State Government prior to their absorption by way of such initial recruitment.
- Promotion 18. (1) The promotion of members of the service shall be one grade to another grade and not from one post to another post.
- (2) The promotion of the officers under the various Grades in the Service shall be as per the criteria laid down in Schedule-C.

19. (A) Except as otherwise provided in this Rule every Judicial Officer shall retire from service on the afternoon of the last date of the month in which he attains the age of 58 years. Retirement
- Provided that all Judicial Officer whose date of birth is the 1st day of a month shall retire from service on the after noon of the last day of the preceding month on attaining the age of 58 years.
- (B) Notwithstanding anything contained in Clause (A) above a Judicial Officer belonging to the Arunachal Pradesh Judicial Service who in the opinion of the High Court, has the potential to continue with his/her service shall be retained in service upto 60 years.
- (I) The potential for continued utility shall be assessed and evaluated by the High Court, and the evaluation shall be made on the basis of the officer's past record of service, character roll, quality of judgments and other relevant matters.
- (II) The High Court shall undertake and complete the exercise well within time before the Officer attains the age of 58 years and take a decision whether the benefit of extended service is to be given to the officer or not.
- In case the officer concerned is found fit for being given the benefit of extended age of superannuation, the Governor shall, on the recommendation of the High Court, issue necessary order.
20. (1) The High Court may review the career progress and other attributes of all Judicial Officers from time to time. Retirement in Public interest
- (2) This review will be undertaken on the officer(s) attaining the age of 50 and 55 years. If the High Court considers that in public interest the officers should be retired from service he shall be compulsorily retired by giving him a notice of not less than 3 months in writing or 3 months pay and allowance in lieu thereof.
21. (1) Judicial Officers of Grade-I retired at the age of 60 years are eligible for re-employment on such consideration by the High Court, provided there are vacancies in Grade-I and they satisfy the following conditions. :- Re-employment after retirement
- (i) There is no adverse comment in the ACRs so far disposal of cases /integrity and character are concerned.
- (ii) The Officer was not dismissed or removed or compulsorily retired or made to seek retirement.
- (iii) The Officers had not sought voluntary retirement after initiation of departmental proceedings/inquiry.
- (2) The Judicial Officers will have to be found fit and eligible to continue in service by the High Court after assessing and evaluating the record for his continued utility.
- (3) The order of re-employment shall be made by the Governor in consultation with High Court.
22. Notwithstanding anything contained in the civil Services (Pension) Rules, 1972 as adapted by the Government of Arunachal Pradesh or in any other Rules. :- Addition of certain service for the purpose of pension
- (1) The members of the Service initially recruited to Grade-III of the Service having not less than 10 years of actual qualifying service shall be entitled to add to their service qualifying for superannuation pension the actual period of practice put in by him at the Bar not exceeding three years.
- (2) The members of the Service directly recruited from the Bar to Grade-I of the service having not less than 10 years of actual qualifying service shall be entitled to add to their service qualifying for superannuation pension the actual period of practice put in by him at the Bar not exceeding seven years.
23. The conditions of service of the members of the service for which no express provision is made in these rules shall be determined by the rules and orders for the time being applicable to officers of State Civil Service. Residuary Provisions
24. A. A Judicial Officer appointed under the Rules shall be required to maintain the integrity and conduct himself in conformity with the dignity of the office he holds. He should follow the Code of Conduct as provided in Appendix – A to the Rules. Conduct
24. B. A member of the service shall disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where ; Disqualification
- (a) he has personal bias or prejudice concerning a party or a party's lawyer or personal knowledge of disputed facts concerning the proceeding ;



- (b) he has dealt with the matter in controversy when he was a lawyer or he previously practiced in close association with the lawyers or any of them when dealt with the said matter or he has been a material witness concerning the said matter ;
- (c) he knows that he individually or a fiduciary, or his spouse, parent or child wherever residing or any other member of his family residing in his household, has an economic or has other interest that could be affected by the proceeding ;
- (d) he or his spouse, or a person within the third degree of relationship to either of them or the spouse of such a person-
- (i) is a party to the proceeding or an officer, director or trustee of a party ;
- (ii) is acting as a lawyer in the proceeding ;
- (iii) is known by him to have interest that could be substantially affected by the proceeding ;
- (iv) is to his knowledge likely to be a material witness in the proceeding.
- Disciplinary Authority 24. (C)(1) The members of the service shall be under the disciplinary control of the High Court.
- (2) The provisions of Central Services (Classification, Control and Appeal) Rules, 1965 shall be applicable in relation to disciplinary proceeding.
- Leave, Pension etc. 25. Except as provided in these rules, pay, allowances, pension, leave and other conditions of service of the members of the service shall be regulated by Central Civil Services (Classification Control and Appeal) Rules, 1965, Fundamental Rules, the Central Civil Service Manual and other relevant rules in force in the State.
- Repeal & Savings 26. On and from the date on which any of the provisions of these rules are brought into force in the State of Arunachal Pradesh any executive instructions/directions/orders as relate to the matters covered by these rules, shall stand superceded / cancelled.
- Notwithstanding such supercession /cancellation, any appointment made, order issued, action taken or anything whatsoever done shall, in so far it is not inconsistent with these rules, be deemed to have been made, issued, taken or done under the corresponding provisions of these rules.

SCHEDULE- A

There shall be three Cadres of Service, namely :-

- (a) Grade - I
- (b) Grade - II
- (c) Grade - III

GRADE- I

Sl.No.	Name of the Post	No.of Post	Scale of Pay	Remark
1	2	3	4	5
1.	Registrar, High Court	-	To be fixed in future	
2.	(a) District & Sessions Judge (Entry level)	5	Rs.16750-400-19150-450-20500	The strength of the Sessions Court is restricted to 5(five) only for the time being as decided by the State Govt.
	(b) District Judge (Selection Grade) -		Rs.18750-400-19150-450-21850-500-23850	
	(c) District Judge (Supertime Scale) -		Rs. 22850-500-24850	
3.	Special Judge under PC Act 1988	-	To be fixed in future	
Total		05		

GRADE- II

Sl.No.	Name of the Post	No.of Post	Scale of Pay	Remark
1	2	3	4	5
1.	Chief Judicial Magistrate	-	To be fixed in future	
2.	Additional Chief Judicial Magistrate	-	To be fixed in future	
3.	Deputy Registrar, High Court	-	To be fixed in future	
4.	Senior Civil Judge	-	To be fixed in future	
5.	Civil Judge (Entry Level)	-	To be fixed in future	
Total		0		



GRADE- III				
Sl.No.	Name of the Post	No.of Post	Scale of Pay	Remark
1	2	3	4	5
1.	Senior Munsiff	-	To be fixed in future	
2.	Munsiff (Entry Level)	-	To be fixed in future	
3.	Judicial Magistrate	-	To be fixed in future	
4.	Sub-Divisional Judicial Magistrate	-	To be fixed in future	
Total		0		

Note: The scales of pay of various Grades of Judicial Officers are as per the recommendation of First National Judicial Pay Commission (Shetty Commission) and directed by the Supreme Court for implementation thereof in All India Judges’ Association Vs. Union of India & Ors., WP© No.1022/1989.

SCHEDULE –B
COMPETITIVE EXAMINATION.

A. For Direct Recruitment and Promotion to Grade-I under limited Departmental Examination

A competitive examination for recruitment to the service in Grade –I shall be held at such intervals by the High Court from time to time as it may determine. The examination shall be conducted with the syllabus as below :-

Paper-I : One paper of 100 marks (duration not less than 2 hours) to test the General Knowledge aptitude, Intelligence, test of comprehension and expression of law and General English including Essay Writing on legal topic and information technology.

Paper-II : One paper of 100 marks of not less than 2 hours duration regarding objective questions and problems of law as regards the Transfer of Property Act., Civil Procedure Code, Code of Criminal Procedure, Indian Evidence Act, Indian Penal Code, Limitation Act.

Paper-III : One paper of 100 marks (duration not less than two hours)- consisting of judgment writing (Paper Book to be supplied)- Legal theories on jurisprudence, provision of constitution of India.

Note : (The candidates are expected to refer to the relevant decisions of the Apex Court and the High Court while writing answers in paper – II and III).

Interview : Viva Voce-50 marks.

B. For Direct Recruitment to Grade-III of the Service

The Competitive Examination for recruitment to Grade-III of the Service shall be held at such intervals as the Governor may in consultation with the High Court from time to time determine. The examination shall be conducted by the High Court in accordance with the following syllabus.

- (1) **Engilsh-100 marks**
 - (a) Essay Writing
 - (b) Precise Writing
 - (c) Grammar etc.
- (2) **General knowledge-100 marks**
 - (a) Objective Type
 - (b) Aptitude Test.
- (3) **Law Paper-I 100 marks**
 - (a) Constitution of India
 - (b) Code of Civil Procedure
 - (c) Transfer of Property Act
 - (d) Indian Contract Act.
- (4) **Law paper -II 100 marks**
 - (e) Indian Penal Code
 - (f) Criminal Procedure Code
 - (g) Indian Evidence Act
 - (h) Law of Torts.
- (5) **Interview, Viva –Voce 70 marks.**

C. General Instructions :

- (i) All candidates who obtain sixty percent or more marks or corresponding grade in the written examination shall be eligible for viva voce examination.
Provided that Arunachal Pradesh Scheduled Tribe candidates who obtain fifty percent or more marks or corresponding grade in the written examination shall be eligible for the viva voce examination.
- (ii) Selection of candidates shall be made on the basis of cumulative grade obtained in the written and viva voce examination.



- (iii) The object of the viva-voce examination is to assess the suitability of the candidates for the cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgment, skills, attitude, ethics, power of assimilation, power of communication, character and intellectual depth and the like of the candidate.
- (iv) The mode of evaluating the performance of Grade in the written and viva-voce examination shall be as specified below :

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

The system operates as follows :

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

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

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

SCHEDULE-C

1. General criteria for Promotion :

- (a) Considering the number of vacancies to be filled up the High Court shall assess the judgments/ACRs of the officers who are within the zone of consideration, the ratio being 1:3.
- (b) The suitability and overall performance of the officers including disposal of cases and the remarks of the concerned Portfolio Judge shall be considered.
- (c) In case any Departmental Proceeding/Enquiry is pending against an officer his/her promotion may be considered and the decision be kept in sealed cover, to be opened on conclusion of the Departmental Proceeding/Enquiry.
- (d) The officer against whom there is adverse entry regarding their character and integrity will not be eligible for promotion during the period of such entry.

Provided that if he /she improves his /her position and gets required bench mark during subsequent period of eligibility his/her case may be considered for promotion.

2. Other criteria for Promotion

The following shall be other consideration for promotion from one grade to another :-

From Grades-III to Grade-II :

- (i) Seniority-cum merit subject to overall suitability
- (ii) ACRs of last five years are to be considered and officers having minimum two 'Good' Grading in ACRs will be considered provided their integrity and character is beyond doubt or there is not doubt.

From Grades-II to Grade-I :

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

Criteria for Conferment of Selection Grade :

- (i) Merit and suitability.
- (ii) Minimum four 'Good' out of last five ACRs or
- (iii) The officer must have two 'Good' and one 'Very Good' in the ACRs out of last five ACRs.

Criteria for Conferment of Supertime Scale :

- (i) Merit cum suitability.
- (ii) The Officer must have three 'Good' and one 'Very Good' grading during the last 5 years or
- (iii) The officer must have two 'Good' and one 'Outstanding' Grading during the last five years.

SCHEDULE -D

A. Training Course for Officers appointed in Grade (Direct Recruits) :

After appointment to Grade-I of the Service by direct recruitment an Officer would require to submit his/her joining Report before the Registrar General, Gauhati High Court and thereafter he/she shall be given four weeks training at the Training Institute in the following matter :

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

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

B. There shall be a training course for officers appointed in Grade-III of the service which will be spread over as below :-

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

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

SCHEDULE –E

1. **Special Pay** : The members of the service may be given special pay as fixed by the State Government from time to time. The special pay shall be attached to the post and not the officer.
2. **Charge Allowance** : The State Government in consultation with the High Court may provide for charge allowance to the members at the rates to be fixed from time to time. The charge allowance shall be attached to the post.
3. **Time Scale Pay /Accelerated Career Progression** : The State Government may grant Time Scale Pay to the various grades of officers for Accelerated Career Progression. The pay scale shall be personal to the officer.

- Note** : (1) The conferment of benefits by way of ACPs shall not be automatic but on the appraisal of the work and performance by a committee of Senior Judges of the High Court constituted for the purpose.
- (2) The above noted financial upgradation shall not be provided to those who have declined regular promotion on any personal ground.
- (3) In case where an officer in the cadre of the Munsif or Civil Judge who has been provided the ACP, refuses functional promotion to the higher cadre in his turn of seniority and merit, he shall be reverted to the original pay scale.

APPENDIX –A CODE OF CONDUCT (See rule-24A)

(1) Should upheld the integrity and independence of Judiciary :

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

(2) Should avoid impropriety :

(i) Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subjected of constant public scrutiny. A judge must therefore accept restriction on conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

(ii) A judge shall respect and observe the law. At all times the conduct and manner of a judge should promote public confidence in the integrity and impartiality of the judiciary. Without regard to a persons race, gender or other protected personal characteristic , a judge should treat every person fairly, with courtesy and respect.

(iii) A judge shall not allow family, social or other relationships to influence his judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance his private interest or those of others. A judge shall not convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not appear as a character witness in a Court proceeding subpoenaed.

(iv) A Judge shall not allow activity as a member a an organization to cast doubt on the judges ability to perform the function of the office in a manner consistent with the code of judicial conduct and the laws of the State. A judge shall not hold membership of an organization activities of which discriminate or appear discriminate on the basis of race gender or other protected personal characteristic. Nothing in this paragraph should be interpreted to diminish a judges right to free exercise of religion.

(3) Performance of duties impartially and diligently :

(i) A judge shall be faithful to the law and maintain professional competence in it, should be unswayed by partisan interest, public clamor or fear of criticism.

(ii) A judge may require lawyers, court personnel and litigants to be appropriately attired for Court and should reasonably maintain rules of conduct, order and decorum on the Courtroom.

- (iii) A judge shall be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom the judge deals in official capacity and should require similar conduct from lawyers and of staff, Court officials and others subject to the judges direction and control.
- (iv) A judge shall not initiate, permit or consider ex-part communications made to the judge in the absence of the parties concerning a pending or impending proceeding.
- (v) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.
- (vi) A judge shall perform judicial duties without bias or prejudice including but not limited to bias or prejudice based upon race sex, religion, national origin disability, age, sexual orientation or socio-economic status and shall not permit staff, Court official and others under his administrative control to be so biased or prejudiced.
- (vii) A judge shall dispose of all judicial matters speedily, effectively and fairly.
- (viii) A judge shall not, while a proceeding is pending or impending in any Court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of Court personal subject to the judge's direction and control. This clause does not prohibit judges from making public elements in the course of their official duties or from explaining for public information the procedures of the court. The clause does not apply to proceeding in which the judge is a litigant in a personal capacity.
- (ix) A judge should prohibit broadcasting, televising, recording or taking of photographs in or out of the courtroom during session of court or recess between sessions except authorised by the High Court.
- (x) (a) A judge may properly intervene in a trial of a case to promote expedition and prevent unnecessary waste of time or to clear up some obscurity, but the judge should bear in mind that undue interference, impatience, or participation in examination of witness or severe attitude on the judges part toward witness, especially those who are excited or terrified by the unusual circumstances of a trial, may tend to prevent the proper presentation of the cause or the ascertainment of truth in respect thereto.
(b) Conversation between the judge and counsel in Court is often necessary but the judge should be studious to avoid controversies that apt to obscure the merits of the dispute between litigants and lead to unjust disposition. In addressing counsel, litigants or witness, the judge should avoid a controversial manner or tone.
(c) A judge shall avoid interruptions of counsel in their arguments except to clarify their positions and should not be tempted to the unnecessary display of learning or premature judgment.
- (xi) A judge shall adopt the usual and accepted methods of doing justice, avoid the imposition of humiliating acts or discipline, not authorized by law in sentencing and endeavor to conform to a reasonable standard of punishment and not seek popularity or publicity either by exceptional severity or undue leniency.
- (xii) A judge shall be punctual in attending court and do judicial work during Court hours. He/she shall ensure punctuality of the staff and Court Officials.
- (xiii) A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration and facilitate the performance of the administrative responsibilities of other judges and Court officials.
- (xiv) A judge should take or initiate appropriate measures as admissible under law against a judge or lawyers for unprofessional conduct of which the judge may become aware.
- (xv) A judge should not cause unnecessary expense by making appointment. All appointments shall be based upon merit.
- (xvi) A judge should not approve compensation beyond the fair value of services rendered.

(4) Extra judicial and quasi-judicial activities :

- (a) As a judicial officer and person specially learned in law, a judge is in unique position to contribute to the improvement of the law, the legal system, and the administration of justice including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent time permits and without affecting his judicial work, a judge is encouraged to do so either independently or through a Bar association, judicial conference or other organization dedicated to the improvement of the law.
- (b) A Judge, subject to the proper performance of judicial duties and to the extent time permits, may engage in the following quasi-judicial activities:-
 - (i) A judge may speak, write, lecture, teach and participate in other activities concerning only the law, the legal, and the administration of justice and
 - (ii) A judge may appear at a public hearing on matters concerning only the law, the legal system and the administration of justice.

- (c) A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality or judicial office, interfere with the proper performance of judicial duties, exploit the judicial position, demean the judicial office or involve the judge in transactions with lawyers or persons likely to come before the court on which the judge serves. A judge should serve as an executor, administrator, testamentary trustee or guardian.
- (d) A judge should not act as an arbitrator or mediator except in performance of judicial duties.
- (e) A judge should not practice law for remuneration.
- (f) A judge should not accept appointment to a government Committee commission or other position without the permission of the High Court writing.
- (g) A judge should not be a member of or hold any office in a political office.
- (h) A judge shall not make speeches on behalf of a political and fiduciary economics interest and make a reasonable effort to keep informal about the personal economic interest of the judges spouse and children residing in the judge's household.
- (i) A judge shall conduct all of the judge's extra-judicial activities in such a way that they do not-
- (a) cast reasonable doubt on the judge's capacity to act impartially as a judge.
 - (b) demean the judicial office or.
 - (c) interfere with the proper performance of judicial duties.
- (j) A Judge shall not serve as an officer, director, trustee or legal advisor if it is likely that the concerned organization :-
- (a) will be engaged in proceeding that should ordinarily come before the judge or
 - (b) will be engage frequently in adversary proceeding the court of which the judge is a member or in any Court subject to the appellate jurisdiction of the Court of which the judge is a member.
- (k) A judge and members of the judge's family residing in the judge's household shall not accept a gift, bequest, favour or loan from anyone except for:
- (a) a gift incident to a public testimonial, books, tapes and other resource materials supplied by the publishers on a complimentary basis for official use or an invitation to the judge and the judge's spouse or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system or the administration of justice.
 - (b) a gift, award or benefit incident to the business, profession or other separate activity of a spouse or other family member of judge residing in the judge's household, including gifts, awards and benefit for the use of both the spouse or other family members and the judge (as spouse or family member), provided the gift, award or benefit could not reasonably be perceived as intended to influence the judge in the performance of judicial duties.
 - (c) ordinarily social hospitality.
 - (d) a gift from a relative or friend for a special occasion, such as wedding anniversary or birthday if the gift is fairly commensurate with the occasion and the relationship.
 - (e) a gift, bequest, favour or loan from a relative or close personal friend whose appearance or interest in the a case would in any event require disqualification.
 - (f) a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges.
 - (g) a scholarship or fellowship awarded on the same term and based on the same criteria applied to other applicants; or
 - (h) any other gift, bequest or loan, only if the donor is not a party or other person who has come or is likely to come or whose interest have come or are likely to come before the judge.

C.P. Mansai
Secretary to the
Government of Arunachal Pradesh,
Itanagar.