

THE SIKKIM JUDICIAL SERVICE RULES, 1975

HOME DEPARTMENT Notification No. 1880/H/75

The Governor, Sikkim, in consultation with the High Court of Sikkim, is pleased to make the following rules, namely:-

1. **Short title and commencement:** These rules may be called the Sikkim Judicial Service Rules and they shall come into force from the date of publication in the Sikkim Gazette.
2. **Definitions:** In these rules, unless the context otherwise requires:
 - (a) 'Governor' means the Governor of Sikkim.
 - (b) 'High Court' means the High Court of Sikkim.
 - (c) 'Service' means the Sikkim Judicial Service.
 - (d) 'Member of the Service' means a persons appointed in a substantive capacity under the provisions of these rules and includes a person appointed on probation.

¹[2A. The service shall comprise of the posts specified in the Schedule appended to these rules.]

²[3. (i) Appointment to the post of Civil Judge-cum-Judicial Magistrate (Grade-III) shall be made by the Governor on the basis of the selection made by the High Court in accordance with these rules.

(ii) Promotion to the posts of Civil Judge-cum-Judicial Magistrate (Grade-II), Civil Judge-cum-Judicial Magistrate (Grade-I), Chief Judicial Magistrate-cum-Civil Judge (Grade-III), Chief Judicial Magistrate-cum-Civil Judge (Grade-II) and Chief Judicial Magistrate-cum-Civil Judge (Grade-I) shall be made by the High Court.]

²[4. A candidate shall be eligible to be recruited if he is:

- (a) a citizen of India.
- (b) Not more than 35 years of age as on the last date fixed for receipt of applications.
- (c) The holder of a degree in law granted by a University established by law in India.]
- ³[(d) able to communicate in Nepali or any other languages of the State.]
- ⁴[(e) An adequate knowledge in Computer to be tested at the time of viva voce.]

1. Inserted vide Notification No. 34/Home 95 dated 24th May, 1995.

2. Substituted vide Notification no. 03/GEN/DOP dated 27.05.2004.

3. Inserted vide Notification No. E(18)/152/GEN/DOP dated 17.09.2007.

4. Inserted vide Notification No. 461/GEN/DOP dated 10.08.2011.

¹[5. Recruitment to the post of Civil Judge-cum-Judicial Magistrate (Grade-III) shall be made on the basis of a competitive examination to be held by the High Court at such intervals as the High Court may determine. The date on which and the place at which the examination is to be held, shall be fixed by the High Court.

(a) The competitive examination shall consist of:-

(i) Written examination

Paper-I Procedural Law-²[**Local Laws**] Code of Civil procedure, Code of Criminal Procedure, Indian Evidence Act and Limitation Act.

³[**Local Laws**

(A) Property Laws.

- (1) Notice dated 2nd January, 1897 relating to transfer of land by Bhutias and Lepchas.
- (2) Revenue Order No. 1 dated 17th May, 1917.
 - (a) Notice No. 660/G dated 21st May, 1931.
 - (b) Notice No. 669/G dated 21st May, 1931.
- (3) Sikkim Darbar Gazette Vol. XVIII No. 11 dated 21st April, 1969, Right of Women to purchase or sell land after her marriage vis-a-vis Revenue Order No. 1 of 1917.
- (4) O.O. No. 105/LR dated 25th February, 1961.

(B) Registration Laws.

- (1) Notification No. 385/G dated 11th April, 1928 (Regarding Registration of Documents).
- (2) Notification No. 2947/G dated 22nd November, 1946 (Regarding Registration of Documents).
- (3) Sikkim State Rules Registration of Documents 1930.

(C) House Rent and Eviction Laws.

- (1) Notification No. 6326-600/H&W-B dated 14.04.1949 Regulations of Letting and Sub-letting of Premises etc. (Health and Works Deptt.).
- (2) Gangtok Rent control and Eviction Act 1 of 1956 dated 31st May, 1956.
- (3) Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Act, 1980.
- (4) Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Rules, 1980.

(D) Land Laws.

- (1) The Sikkim Cultivators Protection Act, 1985.
- (2) The Sikkim Land (Requisition and Acquisition) Act, 1977(1 of 1978)
- (3) Notification No. 1209/L&F dated 25th May, 1950 (Regarding formulation of Substantive Law for land in Sikkim).
- (4) The Sikkim Regulation of transfer of Land Act, 2005.

1.Substituted vide Notification No. 03/GEN/DOP dated 27.05.2004.

2.Inserted vide Notification No. E(18)/152/GEN/DOP dated 17.09.2007.

3.Added vide Notification No. E(18)/152/GEN/DOP dated 17.09.2007.

(E) Court Fee and Stamp Laws.

- (1) Sikkim Court Fees and Stamp on Documents Rules dated 30.03.1928 Amended Schedule.
- (2) Sikkim Court Fess (Exemption and Miscellaneous Provisions) Act, 1983.

(F) Adoption Laws.

- (1) Notification No. 2341-4/G dated 17th June. 1930 (Regarding Adoption of Heir).

(G) Civil Courts Act.

- (1) Sikkim Civil Courts Act, 1978.

(H) Municipal Laws.

- (1) Sikkim Shops and Commercial Establishment Act, 1983.
- (2) Sikkim Allotment of House Sites and Construction of Buildings (Regulation and Control) Act, 1985.

(I) Interpretation and General Clauses Act.

- (1) Sikkim Interpretation and General Clauses Act, 1978.

(J) Other Local Laws.

- (1) The Sikkim Anti Drugs Act, 2006.
- (2) The Sikkim State Legislator's Appointment to Different Authorities Act, 2006.
- (3) The Sikkim State Public Services Act, 2006.

(K) Notification on Issuance of Certificate of Identification.

- (1) Notification No. 66/Home/95 dated 2nd November, 1995.

(L) Rural Indebtedness Act.

- (1) Sikkim Rural Indebtedness Act, 1966 dated 23.09.1966, Notification No. 845/II dated 20.08.1968 issued under the Sikkim Rural Indebtedness Act, 1966.

(M) Language Test.

Nepali or any Languages of the State.]

Paper-II Substantive Law- Hindu Law, Indian Contract Act, Sale of Goods Act, Partnership Act, Specific Relief Act, General Clauses Act, Transfer of Property Act, ¹[**Indian Penal Code and Constitutional Law of India**].

Note: Each paper shall be ¹[**three hours**] duration and shall carry 200 marks each.

1.Substituted vide Notification No. E(18)/152/GEN/DOP dated 17.09.2007.

(ii) Viva Voce

It will carry 100 marks.

¹[(aa) No candidates appearing for the Sikkim Judicial Service examination shall be qualified to appear for viva-voce unless a candidate secures minimum 40% marks in aggregate in each paper respectively.]

(b) Only such number of candidates shall be called for viva-voce as shall obtain the highest number of marks in aggregate of both the papers in the written examination upto the extent of five times of the number of posts as specified in the advertisement inviting applications.

(c) Selection of candidates shall be made on the basis of the aggregate marks obtained in the written examination and viva-voce.

(d) The list prepared on the basis of the selection made shall be operative for one year and shall be effective for the filling of the vacancies then existing and those arising within a period of one year.]

²[6. (1) No person who has more than one wife living shall be eligible for appointment to the service provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

(2) No women who is married to any person who has a wife living shall be eligible for appointment to the service, provided that the Governor, may, if he is satisfied that there are special grounds for doing so, exempt any such women from the operation of this sub-rule.]

7. All candidates on appointment may be required to undergo initial training at any place within or outside Sikkim as the High Court may determine. The nature or duration of such training shall be as determined by the High Court from time to time. After the satisfactory completion of such initial training such candidates shall be placed on probation for a period of two years.

8. All persons appointed to the service on probation shall be confirmed at the end of the said period of two years.

Provided that the Governor may, on the recommendation of the High Court extend the period of probation, but in no case shall be the period of probation extend beyond three years in all.

9. The services of a person appointed during training or probation are liable to be terminated without assigning any reason.

1. Substituted vide Notification No. 33/GEN/DOP dated 27.10.2014.

2. Substituted vide Notification No. 03/GEN/DOP dated 27.05.2004.

10. After successful completion of the period of probation the officers shall be confirmed in the service by the Governor in consultation with the High Court and the same shall be notified in the Gazette.

¹[11. The scale of pay of the member of the service shall be as specified in column ²5 of the said schedule or as may be revised by the State Government from time to time.]

12. Candidates shall on selection undergo a test for medical fitness before appointment and shall pass during the period of probation such departmental examinations as may be laid down by the High Court.

13. Every member of the service unless he has already done so shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

³[13A. (1) (.....)⁴ A member of the service shall retire from service in the afternoon of the last day of the month in which he attains the age of 60 years.

(2)(.....)⁴.

(3)(.....)⁴]

⁵[13B. A member of the service shall be eligible for three advance increment for possessing/acquiring higher educational qualifications in law like a post graduate degree.]

14. For all other matters such as fixing of pay, allowance and other conditions of services, the members of the service shall be governed by the Sikkim Government Service Rules.

15. Nothing in these rules shall prevent the State Government, in consultation with High Court, from appointing a person who is otherwise eligible for appointment under these rules on deputation for such period as the State Government may, in consultation with High Court, think fit.

1. Substituted vide Notification No. 34/Home/95 dated 24.05.1995.

2. Substituted vide Notification No. 03/GEN/DOP dated 27.05.2004.

3. Inserted vide Notification No. 34/Home/95 dated 24.05.1995.

4. Deleted vide Notification No. 114/GEN/DOP dated 16.10.2008.

5. Inserted vide Notification No. 114/GEN/DOP dated 16.10.2008.

¹THE SCHEDULE

²[(1) The scale of pay of members of the service shall be as follows:-

Sl. No.	Designation	Existing scale of pay	Revised pay scale
1.	Civil Judge (Junior Division) (entry level)	9000-250-10750-300-13150-350-14550	27700-770-33090-920-40450-1080-44770
2.	Civil Judge (Jr. Division 1 st stage ACP scale)	10750-300-13150-350-14900	33090-920-40450-1080-45850
3.	Civil Judge (Jr. Division 2 nd stage ACP scale)	12850-300-13150-350-15950-400-17550	39530-920-40450-1080-49090-1230-54010
4.	Civil Judge (Sr. Division) (entry level)	12850-300-13150-350-15950-400-17550	39530-920-40450-1080-49090-1230-54010
5.	Civil Judge (Sr. Division 1 st stage ACP scale)	14200-350-15950-400-18350	43690-1080-49090-1230-56470
6.	Civil Judge (Sr. Division 2 nd stage ACP scale)	16750-400-19150-450-20500	51550-1230-58930-1380-63070

- (2) In the case of a promoted officer, his pay in the aforesaid scale shall be fixed in accordance with the rules and instructions as applicable from time to time.
- (3) For the purpose of fixing and fitment of pay scale the master pay scale as approved by the Hon'ble Supreme Court shall be followed in so far as it is applicable to the above stated categories of Judicial Services.
- (4) Other conditions and rules as prevailing shall continue as applicable or as may be modified from time to time.
- (5) Determination of revised pay for 1 to 44 stages of Master Pay Scale and increments in the revised pay scale as on 1.1.2006 shall be as under:-

Sl. No.	PAY	EXISTING INCREMENT	PAY	PROPOSED ANNUAL INCREMENT
1.	9,000	250	27,700	770
2.	9,250	250	28,470	770
3.	9,500	250	29,240	770
4.	9,750	250	30,010	770
5.	10,000	250	30,780	770
6.	10,250	250	31,550	770
7.	10,500	250	32,320	770
8.	10,750	300	33,090	920
9.	11,050	300	34,010	920
10.	11,350	300	34,930	920

1. Inserted vide Notification No. 34/Home/95 dated 24.05.1995.

2. Substituted vide Notification No. 254/GEN/DOP dated 22.06.2010.

11.	11,650	300	35,850	920
12.	11,950	300	36,770	920
13.	12,250	300	37,690	920
14.	12,550	300	38,610	920
15.	12,850	300	39,530	920
16.	13,150	350	40,450	1,080
17.	13,500	350	41,530	1,080
18.	13,850	350	42,610	1,080
19.	14,200	350	43,690	1,080
20.	14,550	350	44,770	1,080
21.	14,900	350	45,850	1,080
22.	15,250	350	46,930	1,080
23.	15,600	350	48,010	1,080
24.	15,950	400	49,090	1,230
25.	16,350	400	50,320	1,230
26.	16,750	400	51,550	1,230
27.	17,150	400	52,780	1,230
28.	17,550	400	54,010	1,230
29.	17,950	400	55,240	1,230
30.	18,350	400	56,470	1,230
31.	18,750	400	57,700	1,230
32.	19,150	450	58,930	1,380
33.	19,600	450	60,310	1,380
34.	20,050	450	61,690	1,380
35.	20,500	450	63,070	1,380
36.	20,950	450	64,450	1,380
37.	21,400	450	65,830	1,380
38.	21,850	500	67,210	1,540
39.	22,350	500	68,750	1,540
40.	22,850	500	70,290	1,540
41.	23,350	500	71,830	1,540
42.	23,850	500	73,370	1,540
43.	24,350	500	74,910	1,540
44.	24,850	-	76,450	-

Note-I As per the direction of the Hon'ble Supreme Court, 60% of the arrears are to be paid in cash spread over two financial years and 40% to be deposited in the Provident Fund account forthwith in the respective accounts of the Judicial Officers.

Note-II In the event of any doubt the matter shall be resolved with reference to the report of the Justice E. Padmanabhan Committee Report.]