

**SIKKIM
GOVERNMENT GAZETTE
(EXTRAORDINARY)
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EX. GAZ.

GANGTOK, SEPTEMBER 24, 1975

NO. 34

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 person 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.** For the purpose of recruitment of the Service, there shall be a Selection Committee consisting of the following:-

- 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 Sr. Civil Judge-cum-Judicial Magistrate (Grade-II), Sr. Civil Judge-cum-Judicial Magistrate (Grade-I), Chief Judicial Magistrate-cum-Civil Judge (Grade III), Chief Judicial Magistrate-cum-Sr. Civil Judge (Grade-II) and Chief Judicial Magistrate-cum-Sr. Civil Judge (Grade I) shall be made by the High Court.

[1] **Amended vide Notification No. 34/Home/95 dated 24th May, 1995**

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

- [1] 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.
- [2] (d) able to communicate in Nepali or any other languages of the State.
*(e) An adequate knowledge of computer to be tested at the time of Viva-voce.
- [3] 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, [4] Local Laws – Code of Civil Procedure, Code of Criminal Procedure, Indian Evidence Act and Limitation Act.

[5] **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 a woman to purchase or sell land after her marriage vis-à-vis Revenue Order No. 1 of 1917.
- (4) O. O. No. 105/L.R. 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 & Eviction Laws.

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

[1] & [3] Substituted vide Notification No. 03/GEN/DOP dated 27.05.2004

[2], [4] & [5] Inserted vide Notification No. E/18/152/GEN/DOP dated 17.09.2007

[5]e* Inserted vide Notification No. 461/GEN/DOP dated 10.08.2011

(D) Land Laws.

- (1) *The Sikkim Cultivators Protection Act, 1985.*
- (2) *The Sikkim Land (Requisition & 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.*

(E) Court Fee & Stamp Laws.

- (1) *Sikkim Court Fees & stamp on Documents Rules dated 30.03.1928 (Amended schedule).*
- (2) *Sikkim Court Fees (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 23.9.1966, 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 of [2] *three hours* duration and shall carry 200 marks each.

(ii) Viva Voce

It will carry 100 marks.

- [3] (aa) No candidates appearing for the Sikkim Superior Judicial Service Examination shall be qualified to appear for viva-voce unless a candidate secure minimum 40% marks in aggregate and 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 up to 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 & 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.
- [1] 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 woman 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 woman 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 of 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 candidate shall be placed on probation for 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 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.
10. After successful completion of the period of probation the Officer shall be confirmed in the service by the Governor in consultation with the High Court and the same shall be notified in the Gazette.
11. The scale of pay of the members of the service shall be as specified in column [2] 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 examination as may be laid down by the High Court.

[1] & [2] **Substituted vide Notification No. 03/GEN/DOP dated 27.05.2004**

[3] **Inserted vide Notification No. 584/GEN/DOP dated 7.5.2012**

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.

[1]13A (1) 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] (2) Deleted

[2] (3) Deleted

[5]13 B *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 fixation of pay, allowances 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.

**[3]THE SCHEDULE DETAILS OF POSTS IN THE SIKKIM JUDICIAL SERVICE
(A) BEFORE INCLUSION OF THE 02 POSTS OF THE SUB-DIVISIONAL JUDICIAL MAGISTRATES-CUM- CIVIL JUDGE.**

Serial Number	Name of post	Grade	Number of post	Scale of pay
1	2	3	4	5
1. (a)	Civil Judge-cum-Judicial Magistrate	Grade III	4	* Rs.27700-770-33090-920-40450-1080-44770.
(b)	[4] <i>Senior</i> Civil cum-Judicial Magistrate	Grade II		If found suitable by the Judge-High Court on completion of satisfactory and continuous service of five years from the date of entry and has passed the departmental examination, if any, prescribed by the High Court – * Rs.33090-920-40450-1080-45850.
(c)	[4] <i>Senior</i> Civil Judge-cum-Judicial Magistrate	Grade I		If found suitable by the High Court after completion of another five years of continuous and satisfactory service – * Rs. 39530-920-40450-1080-49090-1230-54010/-

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

[2] Deleted vide Notification No. 114/GEN/DOP dated 16.10.2008

[3] Substituted vide Notification No. 51/GEN/DOP dated 05.07.2002

[4] Inserted vide Notification No. 101/GEN/DOP dated 21.11.2003

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

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

**[3] THE SCHEDULE DETAILS OF POSTS IN THE SIKKIM JUDICIAL SERVICE
(B)AFTER INCLUSION OF THE 02 POSTS OF THE SUB-DIVISIONAL
JUDICIAL MAGISTRATES-CUM- CIVIL JUDGE.**

Serial Number	Name of post	Grade	Number of post	Scale of pay
1	2	3	4	5
1. [6]	(a) Sub-Divisional Judicial Magistrate -cum- Civil Judge (West) at Soreng			Rs.27700-770-33090-920-40450-1080-44770.
	(b) Sub-Divisional Judicial Magistrate -cum- Civil Judge (North) at Chungthang			Rs.27700-770-33090-920-40450-1080-44770.
	(c) Civil Judge-cum-Judicial Magistrate	Grade III	4	* Rs.27700-770-33090-920-40450-1080-44770.
	(d) [4] <i>Senior</i> Civil cum-Judicial Magistrate	Grade II		If found suitable by the Judge-High Court on completion of satisfactory and continuous service of five years from the date of entry and has passed the departmental examination, if any, prescribed by the High Court – * Rs.33090-920-40450-1080-45850.
	(e) [4] <i>Senior</i> Civil Judge-cum-Judicial Magistrate	Grade I		If found suitable by the High Court after completion of another five years of continuous and satisfactory service – * Rs. 39530-920-40450-1080-49090-1230-54010/-

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

[2] Deleted vide Notification No. 114/GEN/DOP dated 16.10.2008

[3] Substituted vide Notification No. 51/GEN/DOP dated 05.07.2002

[4] Inserted vide Notification No. 101/GEN/DOP dated 21.11.2003

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

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

[6] Inserted vide Notification No. 14/HOME/2012 dated 15.02.2012

Serial Number	Name of post	Grade	Number of post	Scale of pay
1	2	3	4	5

- 2.(a) Chief Judicial cum-Civil Judge. Grade III 2 *Rs.39530-920-40450-Magistrate-1080-49090-1230-54010.
- (b) Chief Judicial Magistrate-cum-[1] *Senior* Civil Judge Grade II If found suitable by the High Court after five years of continuous and satisfactory service – *Rs.43690-1080-49090-1230-56470.
- (c) Chief Judicial Magistrate-cum-[1] *Senior* Civil Judge Grade I If found suitable by the High Court after completion of another five years of continuous and satisfactory service – *Rs.51550-1230-58930-1380-63070.

Sd/-

(D. DAHDUL)

**COMMISSIONER-CUM-SECRETARY TO THE GOVERNMENT
DEPARTMENT OF PERSONNEL ADMINISTRATIVE REFORMS & TRAINING**

[1]

Inserted Vide Notification No. 101/GEN/DOP dated 21.11.2003

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