

(As amended upto 4.1.2010)

DELHI JUDICIAL SERVICE RULES, 1970
NOTIFICATION
DELHI, THE 27TH AUGUST, 1970

No.F.1(1)/70-JUDICIAL (II): - In exercise of the power conferred by the proviso to Article 309 of the Constitution read with the Government of India, Ministry of Home Affairs's Notification No.1/2/70/DH(S), dated the 29th May, 1970 as amended by Notification No.F.1/2/70-DH(S), dated the 25th July, 1970 and all other powers enabling him in this behalf, the Lieut. Governor, Delhi, in consultation with the High court of Delhi is pleased to make the following rules, namely: -

PART I GENERAL

1. **SHORT TITLE AND COMMENCEMENT:** - (1) These rules may be called the Delhi Judicial Service Rules and they shall come into force from the date of publication in the Delhi Gazette.
2. **DEFINITIONS:** In these rules, unless the context other wise requires:
 - a) **#“Administrator” means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239 AA of the Constitution;**
 - b) **#“cadre post” means any post specified in the Schedule, and includes a temporary post carrying the same designation as that of any of the posts specified in the Schedule and the scale of pay of which is identical to that attached to Civil Judge (Junior Division) of the service and any other temporary post declared as cadre post by the Administrator;**
 - c) “High Court” means High Court of Delhi;
 - d) “Member of the Service” means a person appointed in a substantive capacity to either grade of the service under the provisions of these rules and includes a person appointed on probation;
 - e) “Service” means the Delhi Judicial Service;
 - f) “Schedule” means the schedule as amended from time to time and appended to these rules;
 - g) “Initial Recruitment” means the first recruitment and appointment made to the service after the commencement of these rules.

PART II – CONSTITUTION AND STRENGTH

3. (a) On and from the date of commencement of these Rules there shall be constituted a Civil Service to be known as the Delhi Judicial Service.
#(b) The service shall have two grades, namely (i) Civil Judges (Senior Division); and (ii) Civil Judges (Junior Division);
#(c) The posts in both the Grades shall be Civil Posts Group A Gazetted;

Substituted vide Govt. of NCT of Delhi's Notification No. F.6/15/85-Judl/ Vol.1/Suptlaw/1915-1918 dated 7.10.2008.

#(d) A person appointed to the Service shall be designated as Civil Judge (Junior Division) or Metropolitan Magistrate or as Civil Judge (Junior Division)-cum-Metropolitan Magistrate in accordance with the duties being discharged by him for the time being;

- #4. STRENGTH OF THE SERVICE. – The authorized strength of the Service and the posts included therein shall be as specified in the Schedule which shall stand automatically amended simultaneously with the creation or abolition of cadre post.**
- #5. The number of Civil Judges (Senior Division) shall be 20% of the cadre post strength of the Service as specified in the Schedule.**

Provided that no Civil Judge (Junior Division) shall be eligible for appointment as Civil Judge (Senior Division) unless he has completed five years of service:

Provided further that where a person is considered for such appointment, all persons senior to him in Civil Judge (Junior Division) shall also be considered, irrespective of the fact whether or not they fulfill the requirements as to the minimum of five year service.

EXPLANATION. – For calculating the period of five years of service for the purpose of this rule with respect to officers appointed to the Service at the time of its initial constitution, the service rendered by them in the cadre to which they belonged at the time of the initial recruitment to the Service which was counted for determining the seniority shall also be counted.

6. The Administrator may create from time to time as many cadre posts as may be necessary.

PART II – A SELECTION COMMITTEE

7. For purposes of recruitment to the service there shall be a Selection Committee consisting of the following: -
- (1) Chief Justice or a Judge of the High Court deputed by him.
 - (2) Two Judges of the High Court nominated by the Chief Justice.
 - (3) Chief Secretary, **#Government of National Capital Territory of Delhi.**
 - (4) A Secretary of the **#Government of National Capital Territory of Delhi** nominated by the Administrator.

The Registrar of the High Court shall be the ex-officio Secretary of the Committee.

Substituted/amended vide Govt. of NCT of Delhi's Notification No. F.6/15/85-Judl/Vol.1/Suptlaw/1915-1918 dated 7.10.2008.

PART III – INITIAL RECRUITMENT

8. The initial recruitment shall be made by the Administrator upon the recommendation of the Selection Committee.
9. For initial recruitment to the service, the Selection Committee shall recommend to the Administrator suitable persons for appointment to the service from amongst the following:-
 - (a) Subordinate Judges and Law Graduate Judicial Magistrates working in the Union Territory of Delhi on deputation from other states;
 - (b) Members of Civil Judicial cadres of states whose names may be recommended by their respective State Governments for appointment; and
 - (c) Members of the Delhi, Himachal Pradesh and Andaman & Nicobar Islands Civil Service, who are Law Graduates.

The consent of the officer to be recommended and the consent of his parent Government shall be necessary before his appointment to the service.

10. The Selection Committee may in its discretion examine the character rolls and hold such other tests as it may consider necessary.
11. The Selection Committee shall arrange the seniority of the candidates recommended by it in accordance with the length of service rendered by them in the cadre to which they belong at the time of their initial recruitment to the service.

Provided, that the inter-se seniority as already fixed in such cadre shall not be altered.

12. The number of officers to be appointed from the States of Punjab and Haryana shall not, subject to availability, be less than the number of posts borne on the cadre of the said States for the purpose of the Union Territory of Delhi.

PART IV – RECRUITMENT

- #13. **Recruitment after the initial recruitment shall be made on the basis of a competitive examination to be held by the High Court in Delhi, preferably twice a year, subject to vacancy position. The Administrator shall be kept informed about the dates and place of such examination.**
14. A candidate shall be eligible to appear at the examination, if he is: -
 - a) a citizen of India;
 - * b) a person practicing as an Advocate in India or a person qualified to be admitted as an Advocate under the Advocates Act, 1961; and
 - c) not more than ****32 years** of age on the 1st day of January following the date of commencement of the examination.

Substituted vide Govt. of NCT of Delhi's Notification No. F.6/15/85-Judl/Vol.1/Suptlaw/1915-1918 dated 7.10.2008.

* Amended vide Govt. of NCT Delhi's Notification No.6/15/85-Judl. Vol.I, dated 17.05.2002.

** Substituted by figure and word "30 years" in place of figure and word "32 years" vide Notification No. F.6/15/85-Judl/Vol.1/Suptlaw/1915-1918 dated 7.10.2008. Again substituted in place of figure and word "30 years" by figure and word "32 years" vide Notification No. F.6/15/85-Judl./Vol.I/Suptlaw/1-6 dated 4.1.2010.

15. The syllabus for the examination and the fees payable shall be as detailed in the Appendix to these rules.
16. After the written test, the High Court shall arrange the names of the candidates in order of merit and these names shall be sent to the Selection Committee.
17. The Selection Committee shall call for viva-voce test only such candidates, who have qualified at the written test as provided in the Appendix.
- ** 18. (i) The Selection Committee shall prepare a list of candidates in order of merit on the basis of competitive examination held in accordance with the Rules. Such list will be forwarded to the Administrator.

(ii) The Administrator may in consultation with the High Court, make appointment in substantive, officiating or temporary vacancies from amongst those who stand highest in order of merit.

19. **DISQUALIFICATIONS:**

- 1) No person who has more than one wife living shall be eligible for appointment to the Service.

Provided, that the Administrator 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 Administrator may, if he is satisfied that there are special grounds for doing so, exempt any such woman from the operation of this sub-rule.

PART V – PROBATION

20. 1) Persons appointed to the service at the initial recruitment shall stand confirmed with effect from the date of appointment.

2) All other candidates on appointment to the Service shall be on probation for a period of two years.
21. All persons appointed to the Service on probation shall be confirmed at the end of the said period of two years.

Provided, that the Administrator 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.
22. The services of person appointed on probation are liable to be terminated without assigning any reason.
23. After successful completion of the period of probation the officer shall be confirmed in the service by the Administrator in consultation with the High Court and the same shall be notified in the Gazette.

** Amended vide Delhi Admn.'s Notification No.F.6/15/85-Judl., dated 23.02.1990.

PART VI – PAY

#24. The scale of pay of Member of the Service shall be as follows: -

- | | |
|---|---|
| 1. Civil Judges (Junior Division) | Rs. 9000-250-10750-300-13150-350-14550/- |
| 2. Civil Judges (Junior Division)
I stage ACP Scale
(on completion of five years service) | Rs. 10750-300-13150-350-14900/- |
| 3. Civil Judges (Senior Division) | Rs. 12850-300-13150-350-15950-400-17550/- |
| + | |
| II stage ACP Scale for Civil Judges
(Junior Division)
(on completion of five years service
In I stage ACP scale) | |
| 4. Civil Judges (Senior Division) | Rs. 14200-350-15950-400-18350/- |
| I stage ACP Scale
(on completion of five years service) | |
| 5. II stage ACP Scale for Civil Judges
(Senior Division)
(on completion of five years service
in I stage ACP scale): | Rs. 16750-400-19150-450-20500/- |

Provided that the conferment of benefit by way of ACPs shall not be automatic but on the appraisal of the work and performance of officers by the High Court.

25. The pay and scale of the officers appointed at the time of initial recruitment shall be fixed by the Administrator in consultation with the Government of India in this behalf.

PART VII – GENERAL

#26. Appointments to the Service shall not be against any specific post.

#27. A Member of the Service may be required to work on any of the posts in the cadre mentioned in the Schedule.

28. Recruitment made to the service by competitive examination shall be subject to orders regarding special representation and other concessions for the schedule Castes and Schedule Tribes and **#ex-servicemen including** Emergency Commissioned Officers and Short Service Commissioned Officers issued by the Central Government from time to time.

29. The administrative control over members of the service including their posting and promotion and the grant of leave **#shall vest** in the High Court, but nothing in this rule shall be construed as taking away from any such person any right of appeal which he may have under the law regulating the conditions of his service or as authorizing the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.

Substituted/amended vide Govt. of NCT of Delhi's Notification No. F.6/15/85-JudI/Vol.1/Suptlaw/1915-1918 dated 7.10.2008.

30. Candidates, other than those appointed at the initial recruitment, 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 prescribed.
31. 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.

AGE OF SUPERANNUATION

- * 31A. 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 sixty years.

Provided that the High Court shall assess and evaluate the service record of a member of the service for his continued utility well within the time before he attains the age of 58 years by following the procedure for compulsory retirement under the service rules applicable to him before he is allowed to continue beyond the age of fifty-eight years.

Provided further that an existing member of the service may exercise his option in writing before he attains the age of fifty-seven years to retire at the age of fifty-eight years.

32. **REGULATIONS:** The Administrator may in consultation with the High Court make regulations not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.
33. **RESIDUARY MATTERS:** In respect of all such matters regarding the conditions of service for which no provision or insufficient provision has been made in these rules, the rules or orders, for the time being in force, and applicable to Government Servants holding corresponding posts in connection with the affairs of the Union of India shall regulate the conditions of such service.
34. **INTERPRETATION:** If any question arises as to the interpretation of these rules, the same shall be decided by the Administrator in consultation with the High Court.
35. On the commencement of these rules and until persons are appointed to hold cadre posts in accordance with the provisions of these rules, such posts may continue to be held by officers appointed thereto on deputation either before or after the commencement of these rules as if these rules have not come into force.

SCHEDULE

(see rule 4)

1. Civil Judges (Senior Division) (20% of cadre strength)		
This will include –		
(i)	Senior Civil Judge	1
(ii)	Additional Senior Civil Judge	1
(iii)	Judge Small Cause Court	1
(iv)	Additional Judge Small Cause Court	1
(v)	Chief Metropolitan Magistrate	1
(vi)	Additional Chief Metropolitan Magistrates	14
(vii)	Rent Controller	1
(viii)	Additional Rent Controllers	9
(ix)	Administrative Civil Judge	1
(x)	or any other officer who may be designated as Civil Judge (Senior Division)	<u>15</u>
	Sub Total	45
2. Civil Judges (Junior Division)		
	This will include Civil Judges/Metropolitan Magistrates.	178
Total		<u>223</u>

* Inserted vide Govt. of NCT of Delhi's Notification No.F.6/15/85-Judl.(Vol.I), dated 01.01.1996.

Substituted vide Govt.of NCT of Delhi's Notification No. F.6/15/85-Judl/Vol.1/Suptlaw/1915-1918 dated 7.10.2008.

APPENDIX *
(See Rule 15)

SYLLABUS

Syllabus for competitive examination for recruitment to the Delhi Judicial Service.

Delhi Judicial Service Examination will be held in two successive stages:-

- (i) Delhi Judicial Service Preliminary Examination (Objective type with 25% negative marking) for selection for the main examination, and
- (ii) Delhi Judicial Service Main Examination (Written) for selection of candidates for calling for viva-voce.

The Preliminary Examination will be a screening test and will consist of one paper of multiple objective type questions carrying maximum of 200 marks. In the preliminary examination questions on general knowledge and aptitude of the candidate, candidate's power of expression, flair in English, knowledge of objective type legal problems and their solutions covering Constitution of India, Code of Civil Procedure, Code of Criminal Procedure, Indian Penal Code, Contract Act, Partnership Act, Principles governing Arbitration Law, Evidence Act, Specific Relief Act and Limitation Act will be included.

Minimum qualifying marks in the preliminary examination shall be 60% for general and 55% for reserved categories i.e. Scheduled Castes, Scheduled Tribes and Physically Handicapped (Blind/Low Vision) (mobility not to be restricted)/Orthopaedically. However, the number of candidates to be admitted to the main examination (written) will not be more than ten times the total number of vacancies of each category advertised.

The marks obtained in the preliminary examination by the candidates who are declared qualified for admission to the Main Examination (Written) will not be counted for determining their final order of merit.

The Main Examination (Written) will include the following subjects (each subject to carry the number of marks shown against it):-

SUBJECTS:

Sl.No.	Subjects	Max. Marks
1.	General Knowledge & Language	250
2.	Civil Law I	200
3.	Civil Law II	200
4.	Criminal Law	200
5.	Viva-Voce	150

- 1) **GENERAL KNOWLEDGE AND LANGUAGE** : This paper shall comprise of two sections:-
Section I : **General Knowledge:-** This is to test the candidate's knowledge of current affairs etc. **(100 Marks)**
Section II : **Language (Essay, Translation and Precis Writing):-** This is to test the candidate's knowledge and power of expression in English. Credit will be given both for substance and expression. Conversely deduction will be made for bad expression, faults of grammar and misuse of words etc. There will be two passages for translations one in English which will be required to be translated into Hindi (in Devnagri Script) and the second passage in Hindi (in Devnagri Script) shall be required to be translated into English. **(150 Marks)**
- 2) **Civil Law-I** : Indian Contract Act, Indian Sale of Goods Act, Indian Partnership Act, Specific Relief Act, Hindu Law, Mohammedan Law, Delhi Rent Control Act and Law of Torts. **(200 Marks)**
- 3) **Civil Law-II** : Civil Procedure Code, Law of Evidence, Law of Limitation and Law of Registration. **(200 Marks)**
- 4) **Criminal Law** : Criminal Procedure Code, Indian Penal Code and Indian Evidence Act. **(200 Marks)**
- 5) **Viva-Voce** : Viva-Voce will carry 150 marks. Only such candidates will be called for viva-voce who have obtained 40% marks in each written paper and 50% marks in the aggregate except in the case of candidates belonging to reserved categories i.e. Scheduled Castes, Scheduled Tribes and Physically Handicapped (Blind/Low Vision) (mobility not to be restricted)/Orthopaedically in whose case the qualifying marks shall be 35% in each written paper and 45% in the aggregate.
A candidate of general category must secure minimum 50% marks and a candidate of reserved category i.e. Scheduled Castes, Scheduled Tribes and Physically Handicapped (Blind/Low Vision) (mobility not to be restricted)/Orthopaedically must secure minimum 45% marks in viva-voce to be eligible for being recommended for appointment to the service.

Notes:-

1. The marks obtained in the viva-voce will be added to the marks obtained in the Main Examination (Written) and the candidate's position will depend on the aggregate of both.
2. Fee may be charged from the candidates as specified by the High Court from time to time.

* Amended vide Govt. of NCT of Delhi's Notification No. F.6/18/08-Judl./Supplaw/2315-19 dated 15.12.2008.