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LAW DEPARTMENT

NOTIFICATION

The 19th August, 2013.

S.R.O. No. 544/13 In exercise of the powers conferred by the proviso to article 309 read with articles 233, 234 and 235 of the Constitution of India, the Governor of Odisha after consultation with the Odisha Public Service Commission and the High Court of Orissa, hereby makes the following rules further to amend the Odisha Superior Judicial Service and Odisha Judicial Service Rules, 2007, namely:—

1. Short title and commencement.— (1) These rules may be called the Odisha Superior Judicial Service and Odisha Judicial Service (Amendment) Rules, 2013.

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Superior Judicial Service and Odisha Judicial Service Rules, 2007 (hereinafter referred to as the said rules), in rule 2, in sub-rule(1), —

(i) after clause (b), the following clause shall be inserted, namely:—

“(ba)“Departmental Examination” means Examination conducted by the Odisha Judicial Academy at such intervals for the Civil Judges and District Judges appointed by direct recruitment”; and

(ii) after clause (f), the following clause shall be inserted, namely: —

“(f a) ‘Odisha Judicial Academy’ means an Institution established at Cuttack in the name of the Odisha Judicial Academy.”

3. In the said rules, in rule 30, in sub-rule(1), after the words ‘two years’ appearing at the end, the following words shall be added, namely: —

“which may be extended upto a maximum period of six months on the recommendation of the Odisha Judicial Academy to the High Court.”.

4. In the said rules, after rule 30, the following rule shall be inserted, namely:—

“30-A.—Training of District Judges—(1)Every candidate recruited as District Judge by direct recruitment shall be required to undergo a course of training as specified in Appendix - G and the period of such training shall, ordinarily, be for one year:

Provided that the High Court in any special case, may reduce the period of training:

Provided further that the judicial work done by such trainee officers who remain in direct charge of courts during the course of training shall be treated as work done by them in due discharge of the official duty attached to the posts they hold.

(2) For the purpose of working in the posts of different cadres, by direct recruit District Judges during training, Government shall create such numbers of additional posts for such period at such places as may be recommended by the High Court.

(3) Every candidate recruited as District Judge by direct recruitment, usual promotion or by limited competitive examination, as the case may be, shall have to undergo training as specified in Paragraph - 2 of Appendix - G.

(4) Every person appointed to the service as District Judge shall be given such periodical training as the High Court may, from time to time, prescribe.

(5) The High Court may scrutinize the judgements delivered by the trainee District Judges appointed by direct recruitment periodically during their training and probation.”.

5. In the said rules, for rule 31, the following rules shall be substituted, namely:

“31. Departmental Examination.— (1) Every person appointed as a District Judge by direct recruitment, while on probation, shall appear the Departmental Examination conducted by the Odisha Judicial Academy on such subjects as may be decided by the High Court.

(2) Every person appointed as a Civil Judge shall, subject to such exemption, if any, as may be granted by the Government, in consultation with the High Court, have to pass the Departmental Examination conducted by the Odisha Judicial Academy in accordance with the rules as specified in Appendix F, subject to such alternations as may be made therein by the Odisha Judicial Academy in consultation with the High Court.”.

6. In the said rules, in rule 33, in sub-rule (2), for the words “two years” the words “six months” shall be substituted.

7. In the said rules, in Appendix-B, for paragraphs B and C, the following paragraphs shall be substituted namely:—

“B. Interview:

(i) Interview shall carry 30 marks.

(ii) Candidates shall be called for interview in the proportion of 1:10 provided that such candidates have obtained at least forty five percent marks in each of the written papers and fifty percent of marks in aggregate.

C. The final merit list shall be prepared on the basis of marks obtained in the written test and interview:

Provided that a candidate shall not be included in the merit list unless such candidate secures a minimum of forty percent of marks in interview.”

8. In the said rules, in Appendix-E,

(a) in Paragraph 3,—

(i) for clause (vii), the following clause shall be substituted, namely:—

“(vii) one and half months training under Chief Judicial Magistrate”; and

(ii) after clause (vii), the following clauses shall be inserted, namely:—

"(viii). One week training under a District and Sessions Judge. The Civil Judge shall also during this period become familiar with the practical working of the rules and procedures in the administrative and Judicial side in the office and Court of the District and Sessions Judge. He shall then be invested with Second Class Magisterial powers and given charge of Court work for at least three months.

(ix). Civil Judges on probation will undergo training at Odisha Judicial Academy, Cuttack for such period as it may decide"; and

(b) after Paragraph 5, the following paragraph shall be added, namely:-

"6. If a Civil Judge does not meet the requisite standard, Odisha Judicial Academy may recommend extension of training for a further period of maximum six months within which such Officer shall have to attain such standard".

9. In the said rules, for Appendix-F, the following Appendix shall be substituted, namely:-

"Appendix-F

(See Rule 31)

"1. All Civil Judges on probation shall have to pass Departmental Examination consisting of following subjects and there will be as many papers as may be decided by the Odisha Judicial Academy for the examination:

- (i) Odia.
- (ii) General Rules and Circular Orders (Civil).
- (iii) General Rules and Circular Orders (Criminal).
- (iv) Major Acts, namely:- Cr.P.C., C.P.C & Evidence Act.
- (v) The Standard of Weights and Measures Act, 1976.
- (vi) The Odisha Service Code, Leave Travel concession Scheme and the Odisha Traveling Allowances Rules.
- (vii) The Gram Nayalayas Act, 2008.
- (viii) The Odisha Forest Act, 1972.
- (ix) The Child Labour (Prohibition and Regulation) Act, 1986.

- (x) The Immoral Traffic (Prevention) Act, 1956.
- (xi) The Railway Property (Unlawful Possession) Act, 1966.
- (xii) The Odisha Prevention of Gambling Act, 1955.
- (xiii) The Negotiable Instruments Act, 1881(Chapter relating to dishonor of cheques)
- (xiv) The Essential Commodities Act 1955.
- (xv) The Indian Stamp Act, 1899 and Rules made thereunder.
- (xvi) The Limitation Act, 1963 (relating to Adverse Possession)
- (xvii) The Hindu Succession Act, 1956.
- (xviii) The Right to Information Act, 2005.
- (xix) The Juvenile Justice (Care and Protection of children) Act, 2000.
- (xx) The Court Fees Act, 1870.
- (xxi) The Suits Valuation Act, 1887.
- (xxii) The Odisha Civil Courts Act, 1984.
- (xxiii) The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.
- (xxiv) The Hindu Marriage Act, 1955.
- (xxv) The Dowry Prohibition Act, 1961.
- (xxvi) The Easements Act, 1882.
- (xxvii) The Legal Services Authorities Act, 1987.
- (xxviii) The Transfer of Property Act, 1882.
- (xxix) The Bihar and Odisha Excise Act, 1915.
- (xxx) The Arms Act, 1959.
- (xxxi) The Indian Registration Act, 1908.
- (xxxii) The Odisha Public Demands Recovery Act, 1962.
- (xxxiii) The Environment Protection Act, 1986.
- (xxxiv) The Indian Contract Act, 1872.
- (xxxv) The Drugs and Cosmetics Act, 1940.
- (xxxvi) The Specific Relief Act, 1963.
- (xxxvii) The Water (Prevention and Control of Pollution) Act, 1974.
- (xxxviii) The Air (Prevention and Control of Pollution Act), 1981.

(xxxix) The Wildlife Protection Act, 1972 .

(xl) The Protection of Human Rights Act, 1993.

(xli) The Protection of Women from Domestic Violence Act, 2005.

(List is merely illustrative and may be added with other statutory laws by Odisha Judicial Academy).

2. The Departmental Examination will be held at regular intervals as may be decided by the Odisha Judicial Academy.

3. The examination on General Rules and Circular Orders, both (Civil and Criminal) the provision of laws along with Odia will test in particular the extent to which an examinee has acquired facility in applying the said Rules.

4. Translation from Odia to English and English to Odia from the prescribed legal textbooks or legal documents shall form part of the syllabus for the examination.

5. The Departmental Examination shall consist of such number of papers with the subjects specified in Para-1 as may be decided by the Odisha Judicial Academy in consultation with the High Court. The minimum pass mark for each paper shall be fifty percent."

10. In the said rules, after Appendix-F, the following Appendix shall be inserted, namely:-

" Appendix-G

(See Rule 30-A)

1. Every person appointed as District Judge by direct recruitment shall undergo training:—

- (i) for a period not exceeding one month being given for the Court work of JMFC;
- (ii) for a period not exceeding one month being given the Court work of Civil Judge (Junior Division);
- (iii) for a period not exceeding two months being given for the Court work of Civil Judge (Senior Division);
- (iv) for a period not exceeding one month being Registrar of Civil Courts during which he will acquire knowledge in budgeting, accounts, projects.

E- court project and other allied administrative matters;

(v) for a period not exceeding three months being given for the Court work of Assistant Sessions Judge-cum- Chief Judicial Magistrate during which he has also to make inspection of sub-ordinate courts and prepare report by himself; and

(vi) for a period not exceeding one month in Forensic Science.

2. Every person appointed as District Judge by direct recruitment, usual promotion or by Limited Competitive Examination shall be given institutional training in the subjects as may be decided by the High Court for a period not exceeding three months during the period of their training.

3. During the period of training, the trainee direct recruit District Judges should take initiative to learn procedural rules of sub-ordinate Courts and District Courts with special reference to GRCO (Civil), GRCO (Criminal), maintenance of registers, working of E-court Projects and shall equip themselves with working knowledge on computers. The Odisha Judicial Academy will provide such subjects also in their curriculum accordingly".

[No.8458-VJ-36/2013/L.]

By order of the Governor

S. PUJAHARI

Principal Secretary to Government