Analysis of the Schemes of Promotion

In all the states, the promotion schemes are mentioned in the Rules made by the Governor (in case of states) or by the President (in case of union territories) in exercise of the powers conferred by the Constitution. In some states like Chhattisgarh, Madhya Pradesh, New Delhi and Uttar Pradesh, there are two different rules, one to deal with higher judiciary [district judges cadre] and the other meant for the lower judiciary [civil judges (junior division) cadre and senior civil judges cadre]. In other states, there is single Rule to deal with all the cadres of judicial officers.

For the sake of convenience, the terms 'civil judges (junior division)', 'senior civil judges' and 'district judges' have been used uniformly. Some states use the term 'civil judges' to mean the judicial officers in the cadre of civil judges (junior division) while some states use the term 'civil judges (senior division)' to mean the judicial officers in the cadre of 'senior civil judges'. In Assam and Manipur, the term 'Grade I' denotes judicial officers in the cadre of senior civil judges, the term 'Grade II' denotes judicial officers in the cadre of senior civil judges and 'Grade III' denotes judicial officers in the cadre of civil judges (junior division).

The focus of this analysis is the promotion schemes prevalent in different states concerning promotions of judges to different cadres. Promotion in some states from one scale to another within the same cadre has not been analysed. The promotion schemes are analyzed under the following broad conceptual headings:

- 1. Overall scheme of Promotion
- 2. Eligibility for Promotion
- 3. Criteria of Promotion
- 4. Assessment Technique

A. Overall Scheme of Promotion

This section deals with the overall schemes of promotion in different states in relation to different cadres of judicial officers and the breakup of vacancy for promotions of different kind. For the sake of convenience, the terms 'regular promotion', 'accelerated promotion'

and 'direct recruitment' have been used uniformly. Regular promotion is the promotion where the judicial officers are promoted based on the principle of 'merit cum seniority' or based on the principle of 'seniority cum merit'. When the judicial officers are promoted based on the principle of 'merit', it is called accelerated promotion. Some states use the term 'usual promotion' to mean regular promotion. 'Direct recruitment' is the mode of recruitment where the posts are filled by way of direct appointment and not through in-cadre promotion.

In all the states, the post of civil judges (junior division) is filled by direct recruitment. The civil judges (junior division) are promoted as senior civil judges usually based on the principle of merit cum seniority (or seniority cum merit) but sometimes, the promotions are also made on the principle of merit (in Maharashtra). The senior civil judges are promoted as district judges. Apart from this, the district judges are also directly recruited through a competitive examination. There are two ways of promotion- regular promotion (based on the principle of merit cum seniority or seniority cum merit) and accelerated promotion (based on the principle of merit).

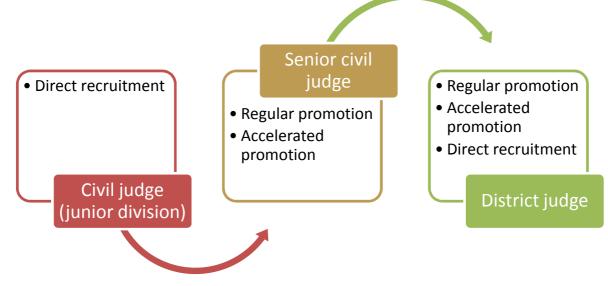


Figure 43 Overview of Promotion Structure

i. Promotion as Senior Civil Judges

States where promotion to the cadre of senior civil judge is based on the principle of merit cum seniority:

- 1. Odisha
- 2. West Bengal

- 3. Tamil Nadu
- 4. Chhattisgarh
- 5. Madhya Pradesh
- 6. Maharashtra (a portion of the vacancy)
- 7. Gujarat
- 8. New Delhi
- 9. Uttar Pradesh

States where promotion to the cadre of senior civil judge is based on the principle of seniority cum merit

- 1. Assam
- 2. Manipur
- 3. Karnataka

States where promotion to the cadre of senior civil judge is based on the principle of merit

1. Maharashtra (a portion of the vacancy)

In Maharashtra, promotion to the cadre of senior civil judges is based on the principles of 'merit cum seniority' and 'merit'. The breakup of vacancy to the post of senior civil judge is as follows:

Table 47-Vacancy Break up in maharashtra for Senior Civil Judge

Mode of promotion	Percentage of vacancy
Regular Promotion	90% of the vacancy
Accelerated Promotion	10% of the vacancy

ii. Promotion as District Judges

All the states have three modes of appointment to the cadre of district judges- regular promotion, accelerated promotion and direct recruitment and the breakup of the vacancy is usually 65%, 10% and 25% respectively but in some states like Assam, Manipur and Madhya Pradesh, the breakup of vacancy is 50%, 25% and 25% respectively. In Karnataka, the

regular promotion of senior civil judges as district judges is based on the principle of seniority cum merit. In other states, the regular promotion of senior civil judges as district judges is based on the principle of merit cum seniority.

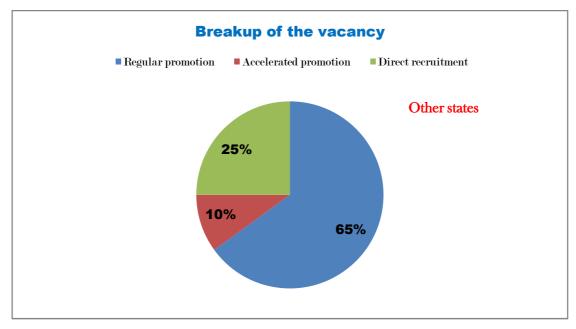


Figure 44 Breakup of Vacancy for Appointment as District Judges

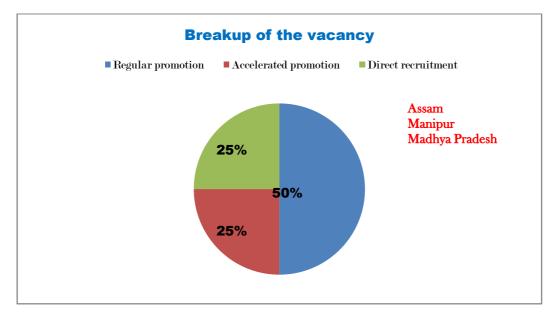


Figure 45 Breakup of Vacancy for Appointment as District Judges in Assam, Manipur and Madhya Pradesh

Best Practice

In states like Odisha, West Bengal, Karnataka, Tamil Nadu, Chhattisgarh, Maharashtra, Gujarat, New Delhi, Uttar Pradesh, the breakup of vacancy is 65%, 10% and 25% for regular promotion, accelerated promotion and direct recruitment respectively. An objective and transparent assessment of merit is fundamental to the concept of accelerated promotion. Thus, unless there is a detailed, well defined and transparent procedural framework, the percentage of vacancy may not be extended beyond 10%

B. Eligibility for Promotion

Conditions of eligibility are usually in the form a minimum number of years in the feeder cadre or in the service in general.

i. Eligibility for Promotion as Senior Civil Judge

Usually, the minimum number of years of service in the cadre of civil judge (junior division) is five years for the judicial officer to be considered for promotion. In West Bengal, the civil judge (junior division) should be in service for six years to be considered for promotion to the cadre of senior civil judge. In Maharashtra, a civil judge (junior division) has to be in service for at least three years after the successful completion of probationary period (three years) to be eligible for promotion (both regular promotion and accelerated promotion) to the cadre of senior civil judge. However, in some states, like Tamil Nadu, Chhattisgarh and Uttar Pradesh, there is no requirement of minimum number of years of service in the feeder cadre.

ii. Eligibility for Regular Promotion as District Judge

Usually, there is no requirement of a minimum number of years of service in the cadre of senior civil judge for a judicial officer to be eligible for regular promotion to the cadre of district judge. But, some states have prescribed a minimum number of years of service in the feeder cadre. In Odisha, the judicial officer has to be in the service as a senior civil judge for no less than three years to be eligible for regular promotion to the cadre of district judge. In Maharashtra, the judicial officer has to serve as a senior civil judge for at least five years after successful completion of officiating period (two years) to be eligible for regular promotion to the cadre of the cadre of district judge.

In Gujarat, the judicial officer has to serve as senior civil judge for not less than two years to be eligible for regular promotion to the cadre of district judge. In New Delhi, the judicial officer has to serve as a judicial officer for ten years to be eligible for regular promotion to the cadre of district judge.

iii. Eligibility for Accelerated Promotion as District Judge

Usually, the minimum number of years of service as a senior civil judge is five years for the judicial officer to be considered for accelerated promotion to the cadre of district judge. However, in Maharashtra, the five year period is counted after the successful completion of officiating period (two years). In Tamil Nadu, there is no minimum number of years of service in the cadre of senior civil judges for the judicial officer to be eligible for accelerated promotion.

Best Practice

In relation to promotion to the cadre of Senior Civil Judge or regulation promotion as District Judge, it would not be appropriate to comment on the best practice in this respect as the prescription regarding minimum number of years as an eligibility condition would be dependent on many local considerations such as hierarchical structure of the judiciary, the structure of the training programme. As seniority as such plays a role in the promotion (apart from accelerated promotion), there need not be the necessity to have a uniform prescription in this respect. However, in relation accelerated promotion as District Judge, it would be ideal to have a specified eligibility condition in this respect. The standard prescription of 5 years of service may be considered as best practice.

Below are the eligibility criteria for promotion of judicial officers to different cadres in the different states:

Assam

Table 48-Eligibility Conditions in Assam

Cadre	Eligibility criteria
Grade III to Grade II	The judicial officer must have served in the
	cadre of Grade III judicial officer for not less
	than five years.
	Principle: seniority cum merit
Grade II to Grade I	Regular promotion: The judicial officer
	must have served in the cadre of Grade II
	judicial officer.
	Principle: merit cum seniority
	Accelerated promotion: The judicial officer
	must have served in the cadre of Grade II
	judicial officer for not less than five years.
	Principle: merit

Manipur

Table 49-Eligibility Conditions In Manipur

Cadre	Eligibility criteria
Grade III to Grade II	The judicial officer should have served in the
	cadre of Grade III for a period not less than
	five years.
	Principle: seniority cum merit
Grade II to Grade I	Regular promotion: The judicial officer
	should be in service in Grade II cadre.
	Principle: merit cum seniority
	Accelerated promotion: The judicial officer
	should be in regular service in Grade II cadre
	for not less than five years.
	Principle: merit

Odisha

Table 50-Eligibility Conditions in Odisha

Cadre	Eligibility criteria
Civil Judge (Junior Division) to Senior	The judicial officer must have served in the
Civil Judge	cadre of Civil Judge (Junior Division) for
	not less than five years.
	Principle: Merit cum seniority
Senior Civil Judge to District Judge	Regular Promotion: The judicial officer
	must have served in the cadre of Senior
	Civil Judge for not less than three years for
	regular promotion.
	Principle: Merit cum seniority
	Accelerated Promotion: The judicial
	officer must have served in the cadre of
	Senior Civil Judge for not less than five
	years for accelerated promotion.
	Principle: Merit

West Bengal

Table 51-Eligibility Conditions in West Bengal

Cadre	Eligibility criteria
Civil Judge to Senior Civil Judge	The judicial officer should be in service as a
	Civil Judge for six years.
	Principle: Merit cum seniority
Senior Civil Judge to District Judge	Regular Promotion: The judicial officer
	should be in service as a Civil Judge (Senior
	Division).
	Principle: Merit cum seniority
	Accelerated Promotion: The judicial officer
	should be in service as a Civil Judge (Senior

Division) for not less than five years. **Principle:** Merit

Karnataka

Table 52-Eligibility Conditions in Karnataka

Cadre	Eligibility criteria
Civil Judge to Senior Civil Judge	The judicial officer should be in service as a
	Civil Judge (Junior Division) for not less than
	five years.
	Principle: seniority cum merit
Senior Civil Judge to District Judge	Regular Promotion: The judicial officer
	should be in service as a Civil Judge (Senior
	Division).
	Principle: seniority cum merit
	Accelerated Promotion: The judicial officer
	should be in service as a Civil Judge (Senior
	Division) for not less than five years.
	Principle: merit

Tamil Nadu

Table 53-Eligibility Conditions in Tamil Nadu

Cadre	Eligibility criteria
Civil Judge (Junior Division) to Senior	The judicial officer should be in service as a
Civil Judge	Civil Judge
	Principle: Merit cum seniority
Senior Civil Judge to District Judge	Regular Promotion: The judicial officer

808

should be in service as a Civil Judge (Senior Division). Principle: Merit cum seniority Accelerated Promotion: The judicial officer should be in service as a Civil Judge (Senior Division). Principle: Merit

Chhattisgarh

Table 54-Eligibility Conditions in Chhattisgarh

Cadre	Eligibility criteria
Civil Judge to Senior Civil Judge	The judicial officer should be in service as a
	Civil Judge
	Principle: Merit cum seniority
Senior Civil Judge to District Judge	Regular Promotion: The judicial officer
	should be in service as a Civil Judge (Senior
	Division).
	Principle: Merit cum seniority
	Accelerated Promotion: The judicial officer
	should be in service as a Civil Judge (Senior
	Division) for minimum of five years.
	Principle: Merit

Madhya Pradesh

Table 55-Eligibility Conditions in Madhya Pradesh

Cadre	Eligibility criteria
Civil Judge (Junior Division) to Senior	The judicial officer must be in the cadre of
Civil Judge	Civil Judge (Junior Division) for five years
	of continuous service.
	Principle- merit cum seniority

Senior Civil Judge to District Judge	Regular promotion: The judicial officer
	must have served in the cadre of Senior Civil
	Judge
	Principle- merit cum seniority
	Accelerated promotion: The judicial officer
	must have served in the cadre of Senior Civil
	Judge for not less than five years for
	accelerated promotion.
	Principle- merit through limited competitive
	examination.

Maharashtra

Table 56-Eligibility Conditions in Maharashtra

Cadre	Eligibility criteria
Civil Judges, Junior Division to Senior	Regular promotion: The judicial officer
Civil Judges	must have served in the cadre of Civil Judge,
	Junior Division for at least three years from
	the successful completion of probationary
	period
	Principle: merit cum seniority
	Accelerated promotion: The judicial officer
	must have served in the cadre of Civil Judge,
	Junior Division for at least three years from
	the successful completion of probationary
	period
	Principle: merit
Senior Civil Judges to District Judges	Regular promotion: The judicial officer
	must have been officiating as a Senior Civil
	Judge for at least five years and must have
	been in the cadre of Senior Civil Judge after
	successful completion of officiating period.

Principle: merit cum seniority

Accelerated promotion: The judicial officer must have been officiating as a Senior Civil Judge for at least five years and must have been in the cadre of Senior Civil Judge after successful completion of officiating period. **Principle:** merit

Gujarat

Table 57-Eligibility Conditions in Gujarat

Cadre	Eligibility criteria
Civil Judge to Senior Civil Judge	The judicial officer must have served in the
	cadre of Civil Judges (Junior Division) for
	not less than five years.
	Principle: Merit cum seniority
Senior Civil Judge to District Judge	Regular Promotion: The judicial officer
	must have served in the cadre for not less
	than two years.
	Principle: Merit cum seniority
	Accelerated Promotion: The judicial officer
	must have served in the cadre for not less
	than five years.
	Principle: Merit

New Delhi

Table 58-Eligibility Conditions in New Delhi

Cadre	Eligibility criteria
Civil Judge to Senior Civil Judge	The judicial officer must have served in the
	cadre for not less than five years
	Principle: Merit cum seniority inferred
157	

Senior Civil Judge to District Judge	Regular Promotion: The judicial officer
	must have been in service for not less than
	ten years
	Principle: Merit cum seniority
	Accelerated Promotion: The judicial officer
	must have served in the cadre for not less
	than five years.
	Principle: Merit

Uttar Pradesh

Table 59-Eligibility Conditions in Uttar Pradesh

Cadre	Eligibility criteria
Civil Judge (Junior Division) to Senior	The judicial officer should be in service in
Civil Judge	the cadre of Civil Judge (Junior Division).
	Principle: seniority cum merit
Senior Civil Judge to District Judge	Regular promotion: The judicial officer
	should be in regular service in Senior Civil
	Judges cadre.
	Principle: merit cum seniority
	Accelerated promotion: The judicial officer
	should be in regular service in Senior Civil
	Judges cadre for not less than five years
	qualifying service.
	Principle: Merit

C. Criteria for Promotion as Senior Civil Judges

In any scheme of promotion, the determination of the criteria on which matters of promotion will be decided reflects the qualities which are valued in the organisation. On most occasions, principles of 'merit cum seniority' or 'seniority cum merit' or 'merit' are cited as the basis on which questions of promotion are decided. The criteria of promotion refers to those tangible parameters which are employed to implement these principles.

It is ideal that along with the criteria, the quantitative weightage of each criterion may also be determined. Specifying the quantitative weightage provides a more transparent mechanism and also acts as a check against arbitrariness. It ensures that the priorities of the different criterion are not manipulated in an arbitrary manner for any reasons whatsoever. It also provides a clear picture on the relative emphasis given to different criterion.

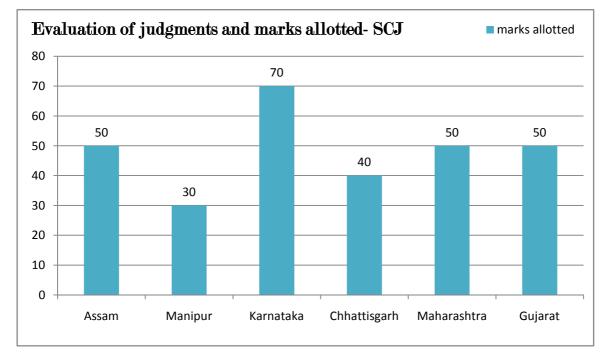
An examination of the policies prevalent in all the states reveal the following to be the most common criteria employed by the states for promotion of a judicial officer to the cadre of senior civil judge;

- 1. Evaluation of Judgments
- 2. Evaluation of Annual Confidential Reports (ACRs)
- 3. Disposal Record
- 4. Character/Integrity
- 5. Departmental Proceeding/Enquiry
- 6. Vigilance report

Some of the other criteria incorporated in different states include non-availment of leave (Karnataka), evaluation of special reports of the Heads of Department (Maharashtra), suitability and overall performance (Assam and Manipur), viva voce (Chhattisgarh)

i. Judgments

A certain number of judgments, usually, both civil and criminal of the judicial officer considered for promotion to the cadre of senior civil judge is evaluated. As many as seven states (Assam, Manipur, West Bengal, Karnataka, Chhattisgarh, Maharashtra and Gujarat) have incorporated this as a criterion of promotion to the cadre of senior civil judge. Most of



the states have also identified the quantitative weightage of this criterion;

Figure 46 Quantitative Weightage of Evaluation of Judgements for Promotion as Senior Civil Judge

ii. Annual Confidential Reports

As annual indicators of the performance levels of judicial officers, it would be logical to expect that ACR records should be considered at the time of promotion. The Annual Confidential Reports of past five years is usually evaluated when the judicial officer is considered for promotion. Nine states (Assam, Manipur, West Bengal, Karnataka, Tamil Nadu, Chhattisgarh, Madhya Pradesh, Maharashtra and Gujarat) have incorporated this as a criterion of promotion to the cadre of senior civil judge. Some states have also identified the quantitative weightage of this criterion;

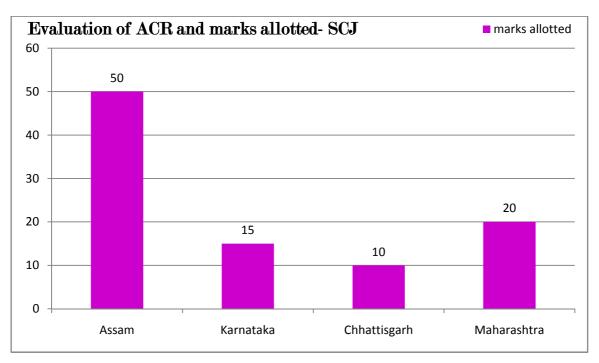


Figure 47 Quantitative Weightage of ACRs for Promotion as Senior Civil Judge

iii. Disposal Record

At the time of being considered for promotion, usually the disposal record of past five years of the judicial officer is assessed. Five states (Karnataka, Tamil Nadu, Madhya Pradesh, Maharashtra and Gujarat) have incorporated this as a criterion of promotion to the cadre of senior civil judge. Few states have also identified the quantitative weightage in relation this criterion;

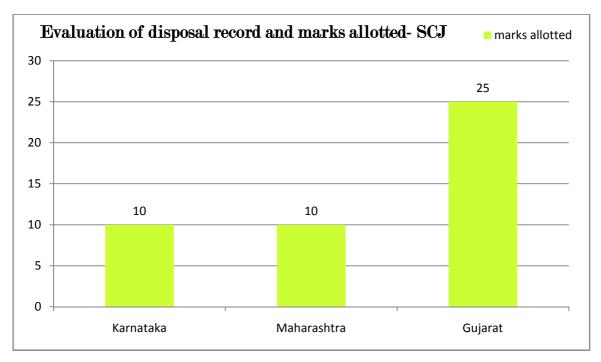


Figure 48 Quantitative Weightage of Disposal Records for Promotion as Senior Civil Judge

iv. Character/Integrity/Vigilance Report

This criterion is usually assessed from two perspectives. Firstly, it is assessed in a positive sense wherein a positive finding in favour of the judicial officer may result in positive weightage being awarded to him. Otherwise, it is also assessed in a negative sense wherein any adverse entry regarding character and integrity may result in the deduction of weightage. Four states (Assam, Manipur, Madhya Pradesh, and Uttar Pradesh) have incorporated this as a criterion. In some states, this criterion is expressed in the form of requirement of a vigilance report (Maharashtra, Tamil Nadu and Chhattisgarh).

v. Pending Departmental Enquiry/Proceeding

This criterion usually operates as a temporary disqualification. The judicial officer is not considered for promotion if there is a departmental proceeding or enquiry pending against the judicial officer and s/he is to be promoted only after the conclusion of the proceeding or enquiry in her/his favour. Three states (Assam, Manipur and Madhya Pradesh) have incorporated this criterion for promotion to the cadre of senior civil judges.

Best Practice

In terms of details on the quantitative weightage of each criterion, the best practice can be seen in Karnataka, Chhattisgarh, Maharashtra and Gujarat. In all these states, each criterion has been specified a quantitative weightage.

In terms of the balance between different criterion and the quantitative weightage attached to each criterion, the best practice can be seen in Gujarat. Though Gujarat has only three criteria with quantitative weightage, the distribution of weightage provides a better balance between quantity of performance, quality of performance and also overall annual performance records. It does not give disproportionate emphasis to either quantity or quality of judicial pronouncements.

The list of criteria in different states along with the details of quantitative weightage is as follows;

Assam

Table 60-Criteria For Promotion As Senior Civil Judge In Assam

Criteria	Quantitative Weightage
Evaluation of Judgments	50 marks
Evaluation of ACRs	50 marks
Suitability and overall performance of	Not Specified
the officers	
Any Departmental Proceeding/Enquiry if	Not Specified
pending against the judicial officer	
Adverse entry regarding the character	Not Specified
and integrity.	

Manipur

Table 61-Criteria For Promotion As Senior Civil Judge In Manipur

Criteria	Quantitative Weightage
Judgments	30 marks

ACRs	Not Specified
Suitability & Overall Performance	Not Specified
Departmental Proceeding/Enquiry, if any pending	Not Specified
Benchmark obtained subsequent to adverse entry	Not Specified
Integrity beyond doubt	Not Specified
Character beyond doubt	Not Specified

Odisha

No express criteria are mentioned in any of the official policies shared with us.

West Bengal

Table 62-Criteria For Promotion As Senior Civil Judge In West Bengal

Criteria	Quantitative Weightage
Evaluation of judgments	Not Specified
Evaluation of ACRs of past five years	Not Specified

Karnataka

Table 63-Criteria For Promotion As Senior Civil Judge In Karnataka

Criteria	Quantitative Weightage
Evaluation of judgments	70 marks
Evaluation of Annual Confidential Reports	15 marks
of past five years	
Disposal of cases of past five years	10 marks
Non-availment of causal leave for past five	05 marks
years	

Tamil Nadu

 Table 64-Criteria For Promotion As Senior Civil Judge In Tamil Nadu

Criteria	Quantitative Weightage
Evaluation of ACRs inclusive of Vigilance	Not Specified
Reports if any	
Work done statement for preceding five	Not Specified
years	

Chhattisgarh

Table 65-Criteria For Promotion As Senior Civil Judge In Chhattisgarh

Criteria	Quantitative Weightage
Evaluation of judgments	40 marks
Evaluation of Annual Confidential Reports	10 marks
for last five years	
Vigilance Report	10 marks
Viva voce	40 marks

Madhya Pradesh

Table 66-Criteria For Promotion As Senior Civil Judge In Madhya Pradesh

Criteria	Quantitative Weightage
Evaluation of ACR	Not Specified
Adverse remarks regarding behaviour,	Not Specified
conduct and integrity otherwise	
Work done in terms of average units per	Not Specified
day of the past five years	
Pendency of departmental enquiry	Not Specified
Judicial officer should not be punished	Not Specified
under Rule 10 of Madhya Pradesh Civil	
Services (Classification, Control and	
Appeal) Rules, 1966	

Maharashtra

In Maharashtra, there are two modes of promoting judicial officers to the cadre of senior civil judges- based on the principle of merit cum seniority and also based on the principle of merit. The following is the criteria of regular promotion:

Table 67-Criteria For Promotion As Senior Civil Judge In Maharashtra-1

Criteria	Quantitative Weightage
Evaluation of the judgments pronounced	50 marks
by the judicial officer	
Evaluation of Annual Confidential	20 marks
Reports	
Evaluation of Vigilance Reports	10 marks
Evaluation of Disposal remarks	10 marks
Evaluation of Special reports of the Heads	10 marks
of the Departments under whom the	
judicial officer has worked during three	
years preceding the year of selection	

The following is the criteria of accelerated promotion:

Table 68-Criteria For Promotion As Senior Civil Judge In Maharashtra-2

Criteria	Quantitative Weightage	
Limited Departmental Competitive	200 marks	
Examination		
Evaluation of judgments	50 marks	
Evaluation of Annual Confidential	20 marks	
Reports		
Vigilance Reports	10 marks	
Disposal Remarks	10 marks	
Special Reports of the Heads of the	10 marks	
Departments under whom the candidate		
has worked during three years preceding		

the year of selection

Performance of the judicial officer in 50 marks

viva-voce

Gujarat

Table 69-Criteria For Promotion As Senior Civil Judge In Gujarat

Criteria	Quantitative Weightage
Evaluation of ACRs of past five years	25 marks
Assessment of disposal of last five years of the officer concerned	25 marks
Evaluation of judgments of the officer concerned for last one year	50 marks

New Delhi

No express criteria are mentioned in any of the official policies shared with us.

Uttar Pradesh

Table 70-Criteria For Promotion As Senior Civil Judge In Uttar Pradesh

Criteria	Quantitative Weightage
Service record	No particulars
Ability	No particulars
Character	No particulars
Seniority	No particulars

D. Assessment Technique of Criteria for Promotion as Senior Civil Judge

Without an objective assessment technique, evaluation of any criteria is likely to be governed by subjective and personalised considerations. Lack of guidelines in this respect also facilitates the possibility of arbitrary exercise of authority and illegitimate discrimination. For example, when evaluation of the judgements is a criterion, the manner in which judgements will be evaluated should also be prescribed. It should not be possible to focus primarily on the linguistic clarity while evaluating the judgement of X and reasoning while evaluating the judgment of Y. The parameters through which the judgements would be evaluated should be clearly established and pre-determined.

i. Assessment of Judgements

Manipur, Karnataka and Gujarat have prescribed assessment techniques for evaluating the judgment of the judicial officers who are considered for promotion. However, the parameters are not entirely same in these states.

ii. Assessment of ACR records

Assessment technique for evaluating ACR records have been prescribed in Assam, Manipur, Madhya Pradesh and Gujarat. The assessment techniques in this respect can be of two types;

a. Benchmark System

This system is followed in Assam and Gujarat. Grades obtained in ACR are assigned a numerical value and the average of the ACRs of past years is taken into consideration to determine if the judicial officer has secured the benchmark fixed in this respect. For example, in Assam, the ACRs of past five years are evaluated. If the judicial officer has secured

'Outstanding', 'Very Good', 'Good', 'Average', and 'Poor', the corresponding numerical values of each grade is 10, 8, 6, 5 and 3. Taken together the average rating of an officer in the past 5 years must be 25 or above.

b. System of Minimum Grades

This system is followed in Manipur and Madhya Pradesh. The judicial officer has to secure the minimum grades as prescribed. For example, in Manipur, the judicial officer should have secured a minimum of two 'Good' grades in the ACRs of past five years.

iii. Assessment of Disposal Records

Some states assign grades in the disposal record of the judicial officer. A numerical value is assigned to such grades when the same is evaluated as a criterion of promotion to the cadre of senior civil judge. Madhya Pradesh and Gujarat assign numerical value to the grades secured by the judicial officer in her/his disposal records. The other way of assessing this criterion is to assign marks for the disposal percentage as is followed in the state of Karnataka.

Best Practice

In terms of the assessment of judgements, the best practice can be seen in Karnataka and Manipur which not only mention the parameters of evaluation but also specify the number of judgements which would be evaluated.

In relation to evaluation of ACRs, the best practice can be seen in Assam and Gujarat. In both these states, a numerical value is attached to the ratings awarded to a judicial officer in his ACR of last 5 years and the same is calculated to determine the quantitative weightage the judicial officer would be entitled to.

In relation to the evaluation of disposal records, the best practice can be seen in Karnataka and Gujarat. In Gujarat, a corresponding numerical weightage is awarded for the ratings received by the judicial officers under the Norms Disposal in the last 5 years. In Karnataka, as there is no rating system but a benchmark is prescribed, marks have been awarded in terms of achieving the prescribed benchmark or exceeding the prescribed benchmark by certain percentages.

For most of the other criteria, no assessment technique has been prescribed in any of the states.

The assessment technique of the different criterion in different states is provided below;

Assam

 Table 71-Assessment Technique For Criteria Of Promotion As Senior Civil Judge In

 Assam

Criteria	Quantitative Weightage	Assessment Technique
Evaluation of Judgments	50 marks	Not Specified
Evaluation of ACRs	50 marks	Specified
Suitability and overall	Not Specified	Not Specified
performance of the officers		
Any Departmental	Not Specified	Not Specified
Proceeding/Enquiry if pending		
against the judicial officer		
Adverse entry regarding the	Not Specified	Not Specified
character and integrity.		

Evaluation of Judgements

Though the parameters for awarding marks (legal reasoning, language etc) have not been specified, 5 judgements of the officer are evaluated for 10 marks each. The judgments are examined by each member of the selection board rather than a single member and the average of the assessment is considered.

Evaluation of ACRs

The ACRs of last 5 years are be evaluated for 50 marks (10 marks for each year's ACR) and the assessment of ACRs is as follows-

Grade in ACR	Marks allotted
Outstanding	10 marks
Very good	8 marks
Good	6 marks
Average	5 marks
Poor*	3 marks

Table 72-Assessment Of ACR In Assam For Promotion As Senior Civil Judge

*it may be noted that there is no official rating of 'Poor' in the ACR proforma of Assam. There is also no official policy in this respect. A rating of 'Poor' seems to be awarded as a matter of convention when the reporting officer feels that even an Average rating cannot be awarded to the judicial officer.

The judicial officer must secure an average of 25 for his ACRs grading of last 5 years.

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Manipur

Table 73-Assessment Technique For Criteria Of Promotion As Senior Civil Judge InManipur

Criteria	Quantitative Weightage	Assessment Technique
Judgments	30 marks	Specified
ACRs	Not Specified	Specified
Suitability & Overall	Not Specified	Not Specified
Performance		
Departmental	Not Specified	Not Specified
Proceeding/Enquiry, if any		
pending		
Benchmark obtained	Not Specified	Not Specified
subsequent to adverse entry		
Integrity beyond doubt	Not Specified	Not Specified
Character beyond doubt	Not Specified	Not Specified

Evaluation of judgments:

10 judgements of the judicial officer are evaluated on the following parameters;

Table 74-Assessment of Judgements For Promotion As Senior Civil Judge In Manipur

Parameters		Marks allotted	
Regularity/promptness in judgments	delivering	5 marks	
Brevity		5 marks	
Reasoning- factual aspect		10 marks	
Reasoning- Legal aspect		10 marks	

Evaluation of ACRs

In the assessment of ACRs of past five years, the judicial officer must have secured a minimum of two grading of 'Good'.

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Odisha

In the absence of any specified criteria in the official policies shared with us, there is also no express provision regarding any kind of assessment technique.

West Bengal

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Karnataka

 Table 75-Assessment Technique For Criteria Of Promotion As Senior Civil Judge In

 Karnataka

Criteria	Quantitative Weightage	Assessment Technique
Evaluation of judgments	70 marks	Specified
Evaluation of Annual	15 marks	Not Specified
Confidential Reports for past		
five years		
Disposal of cases for past five	10 marks	Specified
years		
Non-availment of causal leave	05 marks	Not Specified
for past five years		

Evaluation of Judgments

5 judgments (three civil and two criminal) are evaluated on the following parameters;

Table 76-Evaluation Of Judgements For Senior Civil Judge In Karnataka

Parameters	Marks allotted
Knowledge of law	4 marks
Narration of facts and appreciation of evidence	4 marks
Conclusion and reasoning	3 marks
Language	3 marks

Evaluation of Disposal Records

In Karnataka, every judicial officer is prescribed a quantitative benchmark for disposal of cases. Disposal records of last 5 years are evaluated as per the following formula;

Table 77-Assessment Of Disposal Records For Promotion As Senior Civil Judge In Karnataka

Disposal %	Marks allotted
100% disposal	7 marks
100% to 200% disposal	7+2 marks
200% and above disposal	9+1 marks

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Tamil Nadu

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Chhattisgarh

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Madhya Pradesh

Table 78-Assessment Technique For Criteria Of Promotion As Senior Civil Judge InMadhya Pradesh

Criteria	Quantitative Weightage	Assessment Technique
Evaluation of ACRs	Not Specified	Specified
Adverse remarks regarding behaviour, conduct and integrity	Not Specified	Not Specified
Work done in terms of average units per day of the	Not Specified	Specified

past five years		
Pendency of departmental enquiry	Not Specified	Not Specified
Judicial officer should not be punished under Rule 10 of Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966	Not Specified	Not Specified

Evaluation of ACRs

In the last 5 years, the judicial officer must have secured at least one rating of 'Very Good' and two ratings of 'Good' and should not have secured a rating of 'Poor'

Evaluation of 'Average units per day'

On a yearly basis, the average units per day of the judicial officer in the last 5 years must fall in the rating of 'Good' as per the Norms of Disposal prescribed in the State.

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Maharashtra

Regular Promotion

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Accelerated Promotion

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Gujarat

Table 79-Assessment Technique For Criteria Of Promotion As Senior Civil Judge InGujarat

Criteria	Quantitative Weightage	Assessment Technique
Evaluation of ACRs of past	25 marks	Specified
five years		
Assessment of disposal of	25 marks	Specified
last five years of the officer		
concerned		
Evaluation of judgments of	50 marks	Specified
the officer concerned for last		
one year		

Evaluation of ACRs for last five years of the officer concerned:

Table 80-Assessment Of ACR For Promotion As Senior Civil Judge in Gujarat

Grade	Marks allotted
Outstanding	5 marks
Good	4 marks
Reasonably Good	3 marks
Average	2 marks
Below Average/Poor	0 mark

It needs to be noted that ratings of 'Reasonably Good',' Average' and 'Below Average' are not nomenclature used in the ACR proforma of Gujarat. These terms have been used in the case of Vinay Kumar v High Court of Gujarat as confirmation of the prevailing assessment technique

Assessment of Disposal Records

Marks are given for the grades obtained by a judicial officer for the past 5 years in relation to his disposal records;

Table 81-Assessment Of Disposal Records For Promotion As Senior Civil Judge InGujarat

Grade	Marks allotted
Excellent or Outstanding	5 marks
Very Good	4 marks
Good	3 marks
Adequate	2 marks
Just Adequate	1 mark
Inadequate/Poor	0 mark

Evaluation of Judgments

While the number of judgements which will be evaluated has not been specified, judgements of a judicial officer are evaluated on the following parameters;

Table 82-Evaluation Of Judgements For Senior Civil Judge In Gujarat

Parameters	Marks allotted
Narration of facts	10 marks
Discussion, appreciation of evidence and	10 marks
power of assimilation	
Understanding of Law and Application of	10 marks
law	
Right and just conclusion	10 marks
Overall quality of Judgment	10 marks

A candidate has to secure a minimum of 40% marks in each component and aggregate of 50% in the grand total of three components in order to be promoted.

New Delhi

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Uttar Pradesh

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

E. Criteria for Regular Promotion as District Judge

The most common criteria for regular promotion to the cadre of district judges are:

- 1. Suitability test
- 2. ACRs
- 3. Judgments
- 4. Disposal Records
- 5. Character/Integrity
- 6. Pending Departmental Proceedings/Enquiry
- 7. Vigilance report

Other criteria may include non-availment of leave (Karnataka), special reports of the Heads of the Department (Maharashtra), benchmark obtained subsequent to adverse entry (Manipur), suitability and overall performance (Assam, Manipur, Tamil Nadu).

i. Suitability Test

To assess the merit of judicial officers eligible for promotion, suitability test is conducted. Usually, suitability test is a written examination and is sometimes followed by a viva voce. Seven states (Odisha, West Bengal, Chhattisgarh, Madhya Pradesh, Maharashtra, Gujarat, and Uttar Pradesh) have incorporated this as a criterion of promotion. Viva voce is conducted in three states- West Bengal, Chhattisgarh, Maharashtra. While the suitability test is conducted for 100 marks in Uttar Pradesh, the weightage is of 150 marks in Madhya Pradesh. The weightage of this criterion in other states is not expressly provided in any of the official policies shared with us.

ii. ACR

Ten states have evaluation of ACRs as a criterion of promotion. Usually, ACRs of past five years is evaluated but in Uttar Pradesh, ACRs of past ten years is evaluated when the senior civil judge is considered for regular promotion to the cadre of district judge. In many states, the quantitative weightage of this criterion has been clearly specified;

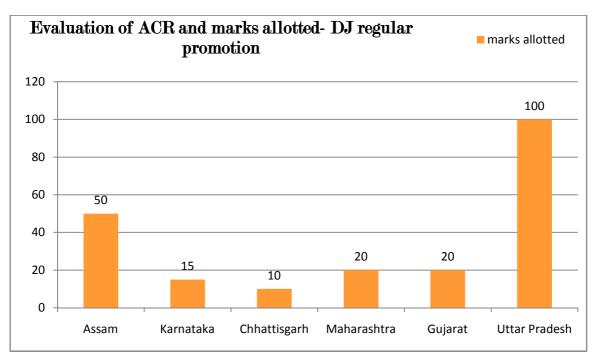


Figure 49 Quantitative Weightage of ACRs for Regular Promotion as District Judge

iii. Evaluation of judgments

Nine states (Assam, Manipur, West Bengal, Karnataka, Tamil Nadu, Chhattisgarh, Madhya Pradesh, Maharashtra and Gujarat) have this as a criterion of regular promotion to the cadre of district judges. In many states, the quantitative weightage of this criterion has been clearly specified;

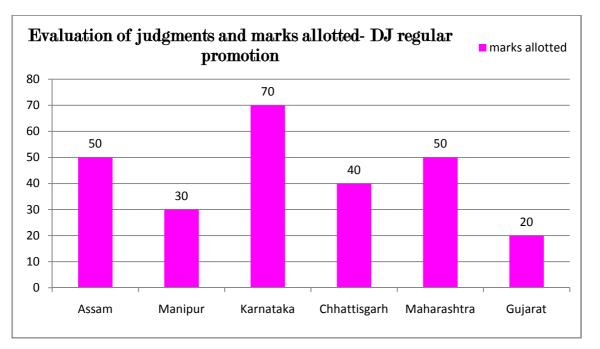


Figure 50 Quantitative Weightage of Evaluation of Judgements for Regular Promotion as District Judge

iv. Disposal Record

Five states (Karnataka, Tamil Nadu, Madhya Pradesh, Maharashtra and Gujarat) have disposal of cases as a criterion of regular promotion to the cadre of district judges. In Karnataka and Maharashtra, this criterion is evaluated for ten marks. In Gujarat, it is evaluated for 20 marks. The details of the quantitative weightage in Tamil Nadu and Madhya Pradesh have not been specified in any of the official policies shared with us.

v. Character/Integrity/Vigilance Report

This has been expressly prescribed as a criterion in Assam, Manipur, Chhattisgarh, Maharashtra and Uttar Pradesh.

vi. Pending Departmental Proceeding/Enquiry

Four states (Assam, Manipur, Tamil Nadu, Madhya Pradesh) have expressly incorporated this as a criterion of regular promotion to the cadre of district judges.

Best Practice

In terms of details on the quantitative weightage of each criterion, the best practice can be seen in Karnataka, Chhattisgarh, Maharashtra and Gujarat. In Karnataka, each criterion has been specified a quantitative weightage. In Chhattisgarh, Maharashtra and Gujarat, quantitative weightage of each criterion has been specified apart from the criterion of suitability test.

In terms of the balance between different criterion and the quantitative weightage attached to each criterion, the best practice can be seen in Gujarat. The distribution of weightage in Gujarat provides a better balance between quantity of performance, quality of performance and also overall annual performance records.

The various criterion for regular promotion as District Judge in different states along with the quantitative weightage of each criterion is as follows;

Assam

Table 83-Criteria For Regular Promotion As District Judge In Assam

Criteria	Quantitative Weightage
Evaluation of Judgments	50 marks
Evaluation of ACRs	50 marks
Suitability and overall performance of the officers	Not Specified
Any Departmental Proceeding/Enquiry if pending against the judicial officer	Not Specified
Adverse entry regarding the character and integrity.	Not Specified

Manipur

Table 84-Criteria For Regular Promotion As District Judge In Manipur

Criteria	Quantitative Weightage
Judgments	30 marks
ACRs	Not Specified
Suitability & Overall Performance	Not Specified
Departmental Proceeding/Enquiry, if any pending	Not Specified
Benchmark obtained subsequent to adverse entry	Not Specified

Odisha

Table 85-Criteria For Regular Promotion As District Judge In Odisha

Criteria	Quantitative Weightage
Suitability test	Not Specified

West Bengal

Table 86-Criteria For Regular Promotion As District Judge In West Bengal

Criteria	Quantitative Weightage
Suitability test	Not Specified
Evaluation of judgments	Not Specified
Evaluation of ACRs of past five years	Not Specified
Viva Voce	Not Specified

Karnataka

Table 87-Criteria For Regular Promotion As District Judge In Karnataka

Criteria	Quantitative Weightage
Evaluation of judgments	70 marks

Evaluation of ACR reports of past five	15 marks
years	
Disposal of cases of past five years	10 marks
Non-availment of causal leave of past five	05 marks
years	

Tamil Nadu

Table 88-Criteria For Regular Promotion As District Judge In Tamil Nadu

Criteria	Quantitative Weightage
Suitability	Not Specified
Evaluation of judgments rendered in the past five years	Not Specified
Evaluation of Annual Confidential Reports inclusive of Vigilance Reports of the past five years	Not Specified
Work done in the past five years	Not Specified
Pendency of disciplinary proceedings if any	Not Specified

Chhattisgarh

Table 89-Criteria For Regular Promotion As District Judge In Chhattisgarh

Criteria	Quantitative Weightage
Suitability test	Not Specified
Evaluation of their judgments	40 marks
Evaluation of ACR reports of past five	10 marks
years	
Vigilance Report	10 marks
Viva Voce	40 marks

Madhya Pradesh

Table 90-Criteria For Regular Promotion As District Judge In Madhya Pradesh

Criteria	Quantitative Weightage
Suitability test	150 Marks
Evaluation of judgments	Not Specified
Evaluation of ACRs	Not Specified
Average units earned per day	Not Specified
Pendency of any departmental enquiry	Not Specified
Judicial officer should not be punished	Not Specified
under Rule 10 of Madhya Pradesh Civil	
Services (Classification, Control and	
Appeal) Rules, 1966	

Maharashtra

Table 91-Criteria For Regular Promotion As District Judge In Maharashtra

Quantitative Weightage
Not Specified
50 marks
20 marks
10 marks
10 marks
10 marks
50 marks

Gujarat

Table 92-Criteria For Regular Promotion As District Judge In Gujarat

Criteria	Quantitative Weightage
Suitability test	Not Specified
Examination and Evaluation of ACRs for	20 marks
last five	
years	
Assessment of disposal of last five years of	20 marks
the officer concerned	
Evaluation of judgments of the officer	20 marks
concerned for last one year	

New Delhi

No express criteria are mentioned in any of the official policies shared with us.

Uttar Pradesh

Table 93-Criteria For Regular Promotion As District Judge In Uttar Pradesh

Criteria	Quantitative Weightage
Suitability test	100 marks
Service record of past 10 years (evaluation of ACR)	100 marks
Ability	Not Specified
Character	Not Specified
Seniority	Not Specified

F. Assessment Technique of Criteria for Regular Promotion as District Judge

i. Suitability Test

Suitability test is usually a written examination. The number of papers, marks and the type of questions (objective or subjective and sometimes both), syllabus varies in different states.

Best Practice

As in the case of promotion as Senior Civil Judges, in terms of the assessment of judgements, the best practice can be seen in Karnataka and Manipur which not only mention the parameters of evaluation but also specify the number of judgements which would be evaluated.

In terms of the evaluation of ACRs, the best practice can be seen in Assam, Madhya Pradesh and Gujarat. In all these states, a numerical value is attached to the ratings awarded to a judicial officer in his ACR of last 5 years and the same is calculated to determine the quantitative weightage the judicial officer would be entitled to.

As in the case of promotion as Senior Civil Judges in relation to the evaluation of disposal records, the best practice can be seen in Karnataka and Gujarat. In Gujarat, a corresponding numerical weightage is awarded for the ratings received by the judicial officers under the Norms Disposal in the last 5 years. In Karnataka, as there is no rating system but a benchmark is prescribed, marks have been awarded in terms of achieving the prescribed benchmark by certain percentages.

For most of the other criteria, no assessment technique has been prescribed in any of the states.

Below is the assessment technique of criteria of regular promotion to the cadre of district judges in different states:

Assam

Table 94-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Assam

Criteria	Quantitative Weightage	Assessment Technique
Evaluation of Judgments	50 marks	Not Specified
Evaluation of ACRs	50 marks	Specified
Suitability and overall	Not Specified	Not Specified
performance of the officers		
Any Departmental	Not Specified	Not Specified
Proceeding/Enquiry if		
pending against the judicial		
officer		
Adverse entry regarding the	Not Specified	Not Specified
character and integrity.		

The assessment technique for evaluation of ACRs is similar to the technique prescribed for evaluation of ACRs for promotion as Senior Civil Judges. The provisions regarding evaluation of judgements are also the same.

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Manipur

Table 95-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Manipur

Criteria	Quantitative Weightage	Assessment Technique
Judgments	30 marks	Specified
ACRs	Not Specified	Specified
Suitability & Overall	Not Specified	Not Specified
Performance		
Departmental	Not Specified	Not Specified
Proceeding/Enquiry, if any		

pending			
Benchmark	obtained	Not Specified	Not Specified
subsequent to adverse entry			
Integrity beyond doub	t	Not Specified	Not Specified
Character beyond dou	ıbt	Not Specified	Not Specified

The assessment technique for evaluation of judgements is similar to the one prescribed in case of promotion of Civil Judges Senior Division.

Evaluation of ACRs

In the assessment of ACRs of past five years, the judicial officer must have secured a minimum of three ratings as 'Good'.

Odisha

Table 96-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Odisha

Criteria	Quantitative Weightage	Assessment Technique
Suitability test	Not Specified	Not Specified

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

West Bengal

Table 97-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn West Bengal

Criteria	Quantitative Weightage	Assessment Technique
Suitability test	Not Specified	Not Specified
Evaluation of judgments	Not Specified	Not Specified
Evaluation of ACRs of past	Not Specified	Not Specified

five years		
Viva Voce	Not Specified	Not Specified

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Karnataka

Table 98-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Karnataka

Criteria	Quantitative Weightage	Assessment Technique
Evaluation of judgments	70 marks	Specified
Evaluation of Annual	15 marks	Not Specified
Confidential Reports of past five years		
Disposal of cases of past five	10 marks	Specified
years		
Non-availment of causal leave	05 marks	Not Specified
of past five years		

The details of the assessment technique are similar to those prescribed for promotion as Senior Civil Judges.

Tamil Nadu

Table 99-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Tamil Nadu

Criteria	Quantitative Weightage	Assessment Technique
Suitability	Not Specified	Not Specified
Evaluation of judgments rendered in the past five years	Not Specified	Not Specified
EvaluationofAnnualConfidentialReportsinclusiveofVigilance	Not Specified	Not Specified

Reports of the past five years		
Work done in the past five years	Not Specified	Not Specified
Pendency of disciplinary proceedings, if any	Not Specified	Not Specified

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Chhattisgarh

Table 100-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Chhattisgarh

Criteria	Quantitative Weightage	Assessment Technique
Suitability test	Not Specified	Not Specified
Evaluation of their	40 marks	Not Specified
judgments		
Evaluation of ACR reports	10 marks	Not Specified
of past five years		
Vigilance Report	10 marks	Not Specified
Viva Voce	40 marks	Not Specified

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Madhya Pradesh

Table 101-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Madhya Pradesh

Criteria	Quantitative Weightage	Assessment Technique
Suitability test	150 Marks	Specified
Evaluation of judgments	Not Specified	Not Specified
Evaluation of ACRs	Not Specified	Specified

Average units earned per day	Not Specified	Specified
Pendency of any	Not Specified	Not Specified
departmental enquiry		
Judicial officer should not be	Not Specified	Not Specified
punished under Rule 10 of		
Madhya Pradesh Civil		
Services (Classification,		
Control and Appeal) Rules,		
1966		

Suitability Test

Suitability test is a written examination for 150 marks (100 objective questions and 50 subjective questions).

Evaluation of ACRs

The judicial officer must have secured at least one rating of 'Very Good' and two ratings of 'Good' and should not have secured a rating of Poor.

Evaluation of 'Average units per day'

On a yearly basis, the average units per day of the judicial officer in the last 5 years must fall in the rating of 'Good' as per the Norms of Disposal prescribed in the State.

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Maharashtra

Table 102-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Maharashtra

Criteria	Quantitative Weightage	Assessment Technique
Suitability test	Not Specified	Not Specified
Evaluation of the judgments	50 marks	Not Specified
of the Senior Civil Judges		
Evaluation of Annual	20 marks	Specified
Confidential Reports		

Vigilance Reports	10 marks	Specified
Disposal remarks	10 marks	Not Specified
Special reports of the heads	10 marks	Not Specified
of the Departments under		
whom the judicial officer		
has worked during three		
preceding years preceding		
the year of selection		
Viva-voce	50 marks	Not Specified

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Gujarat

Table 103-Assessment Technique Of Criteria For Regular Promotion As District JudgeIn Gujarat

Criteria	Quantitative Weightage	Assessment Technique
Suitability test	Not Specified	Not Specified
Examination and Evaluation	20 marks	Specified
of ACRs for the last five		
Years		
Assessment of disposal for	20 marks	Specified
last five years of the officer		
concerned		
Evaluation of judgments of	20 marks	Specified
the officer concerned for the		
last one year		

Evaluation of ACRs for the last five years of the officer concerned for 20 marks is assessed as per the following parameters;

Grade	Marks allotted
Outstanding	4 marks
Good	3 marks
Reasonably Good	2 marks
Average	1 marks
Below Average/Poor	0 mark

Table 104-Assessment Of ACR for Regular Promotion As District Judge In Gujarat

It needs to be noted that ratings of 'Reasonably Good',' Average' and 'Below Average' are not nomenclature used in the ACR proforma of Gujarat. These terms have been used in the case of Vinay Kumar v High Court of Gujarat as confirmation of the prevailing assessment technique

Assessment of Disposal Records

Marks are given for the grades obtained by a judicial officer for the past 5 years in relation to his disposal records;

Table 105-Assessment of Disposal Records in Gujarat

Grade	Marks allotted
Excellent or Outstanding	4 marks
Very Good/Good	3 marks
Adequate	2 marks
Just Adequate	1 marks
Poor	0 mark

Evaluation of Judgments

Though there is no specification as to the number of judgement which would be evaluated, judgements of a judicial officer are evaluated on the following parameters;

Table 106-Assessment of Judgements in Gujarat

Parameters	Marks allotted
Right and just conclusion	12 marks
Understanding of Law and application of	12 marks
law	
Discussion, appreciation of evidence and	12 marks
power of assimilation	
Common sense and clarity of thoughts	12 marks
Proficiency in language, presentation and	12 marks
originality	

New Delhi

In the absence of any specified criteria in the official policies shared with us, there is also no express provision regarding any kind of assessment technique.

Uttar Pradesh

Table 107-Assessment Technique of Criteria For Regular Promotion As District Judgein Uttar Pradesh

Criteria	Quantitative Weightage	Assessment Technique
Suitability test	100 marks	Specified
Service record of past 10 years (evaluation of ACR)	100 marks	Specified
Ability	Not Specified	Not Specified
Character	Not Specified	Not Specified
Seniority	Not Specified	Not Specified

Suitability Test

The suitability test is a written examination of 100 marks and the detailed syllabus is provided in Appendix G (1) of the Rules.

Evaluation of ACRs

The service record of the judicial officer is assessed by evaluating her/his ACRs in the following manner:

Table 108-Assessment Of ACR for Regular Promotion As District Judge In Uttar Pradesh

Grade in ACR	Marks allotted
Outstanding	10 marks
Very Good	8 marks
Good	6 marks
Average	4 marks
Poor	0 mark
Adverse Entry	-2 marks for each year

G. Criteria for Accelerated Promotion as District Judge

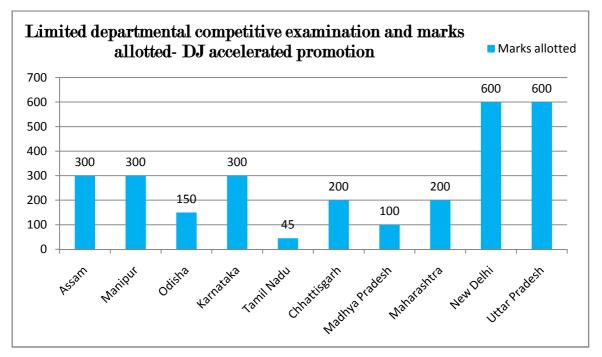
The most common criteria of accelerated promotion to the cadre of district judges are:

- 1. Limited departmental competitive examination
- 2. Viva voce
- 3. Evaluation of judgments
- 4. Evaluation of ACRs
- 5. Character and integrity
- 6. Disposal of cases

Other criteria include pendency of departmental proceeding/enquiry (Assam and Manipur), suitability and overall performance (Assam and Manipur), non-availment of leave (Karnataka and Tamil Nadu), special reports of the Heads of the Department (Maharashtra), vigilance reports (Maharashtra), past performance (Madhya Pradesh), performance appraisal (Chhattisgarh), assessment of records (New Delhi).

i. Limited Departmental Competitive Examination

All the states have limited departmental competitive examination as a criterion for accelerated promotion to the cadre of district judges. Since this mode of promotion solely relies on the principle of merit, an objective assessment of this principle becomes inevitable. However, the marks allotted for this criterion differs in each state;





ii. Viva Voce

The limited departmental competitive examination is usually followed by the viva voce. Majority of the states (Assam, Manipur, Odisha, West Bengal, Karnataka, Tamil Nadu, Chhattisgarh, Maharashtra, New Delhi and Uttar Pradesh) have incorporated this as a criterion for accelerated promotion to the cadre of district judges. The weightage of this criterion varies in different states;

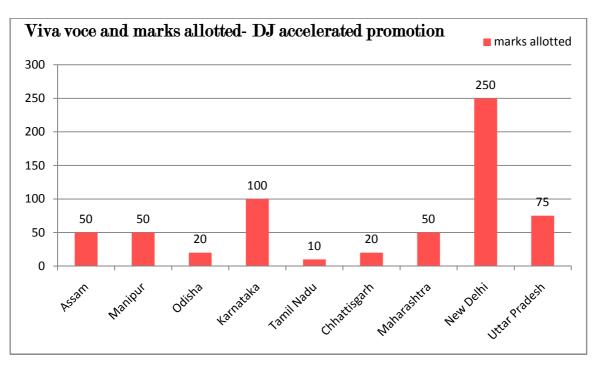


Figure 52 Quantitative Weightage of Viva Voce for Accelerated Promotion as District Judge

The weightage of viva in West Bengal has not been specified in any of the official policies shared with us.

iii. Evaluation of judgments

Seven states (Assam, Manipur, Karnataka, Tamil Nadu, Madhya Pradesh Maharashtra and Gujarat) have incorporated this as a criterion for accelerated promotion to the cadre of district judges. Usually, the judgments rendered in the past five years are evaluated except in Tamil Nadu, where the judgments rendered by the judicial officer considered for promotion for the past three years are evaluated. This criterion is included under the heading of 'Past Performance' in Madhya Pradesh. Different marks are allotted to this criterion in different states.

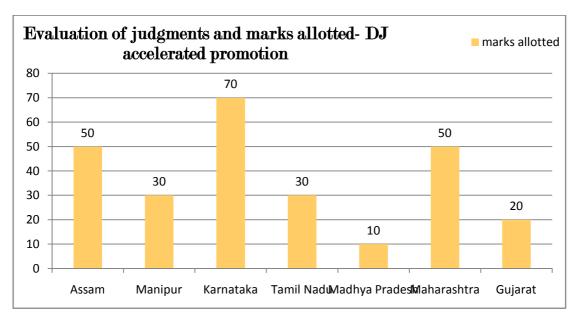


Figure 53 Quantitative Weightage of Evaluation of Judgements for Accelerated Promotion as District Judge

iv. Evaluation of ACR

Eight states (Assam, Manipur, Odisha, Karnataka, Tamil Nadu, Madhya Pradesh, Maharashtra, and Gujarat) have incorporated this as a criterion for accelerated promotion to the cadre of district judges. Though, 'Performance Appraisal' is mentioned as criterion, there are no details on whether ACRs are evaluated under this criterion. The quantitative weightage of this criterion varies in different states;

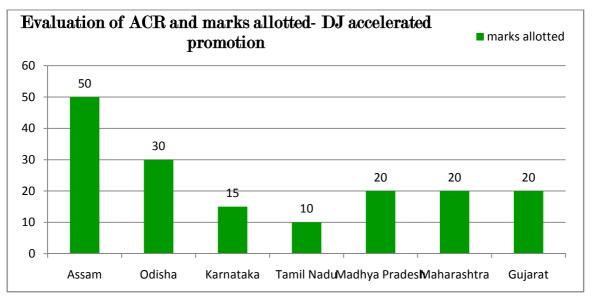


Figure 54 Quantitative Weightage of ACRs for Accelerated Promotion as District Judge

Best Practice

In terms of details on the quantitative weightage of each criterion, the best practice can be seen in Karnataka, Tamil Nadu, Odisha, Chhattisgarh, Maharashtra, New Delhi and Gujarat. In all these states, a quantitative weightage has been specified for each criterion.

Unlike other modes of promotion, in accelerated promotion, objective evaluation of merit is most important as seniority is not taken into consideration. Thus it is expected that more weightage should be given to the limited competitive examination which is conducted in this respect. At the same time, there is need to provide adequate weightage to other criteria as well. In terms of distribution of weightage, the best practice can be seen in Maharashtra and Karnataka.

The list of criteria in different states along with the details of quantitative weightage is as follows;

Assam

Table 109-Criteria for Accelerated Promotion As District Judge in Assam

Criteria	Marks allotted
Limited competitive examination	300 marks
Viva Voce	50 marks
Evaluation of Judgments	50 marks
Evaluation of ACRs	50 marks
Suitability and overall performance of	Not Specified
the officers	
Any Departmental Proceeding/Enquiry	Not Specified
if pending against the judicial officer	
Adverse entry regarding the character	Not Specified
and integrity.	

Manipur

Table 110-Criteria for Accelerated Promotion As District Judge in Manipur

Criteria	Marks allotted
Limited Competitive Examination	300
Viva Voce	50
Judgments	30 marks
ACRs	Not Specified
Suitability & Overall Performance	Not Specified
Departmental Proceeding/Enquiry, if any pending	Not Specified
Benchmark obtained subsequent to adverse entry	Not Specified

Odisha

Table 111-Criteria for Accelerated Promotion As District Judge in Odisha

Criteria	Marks allotted
Limited competitive examination	150 marks
Interview	20 marks
Evaluation of CCRs/P.A.Rs	30 marks

West Bengal

Table 112-Criteria for Accelerated Promotion As District Judge in West Bengal

Criteria	Marks allotted
Limited competitive examination	Not Specified
Viva Voce	Not Specified

Karnataka

Table 113-Criteria for Accelerated Promotion As District Judge in Karnataka

Criteria	Marks allotted
Limited competitive examination	300 marks
Viva Voce	100 marks
Evaluation of judgments	70 marks
Evaluation of ACR reports for past five	15 marks
years	
Disposal of cases for past five years	10 marks
Non-availment of causal leave for past	05 marks
five years	

Tamil Nadu

Table 114-Criteria for Accelerated Promotion As District Judge in Tamil Nadu

Criteria	Marks allotted
Limited competitive examination	45 marks
Evaluation of judgments rendered in the	30 marks
past 3 years	
Evaluation of ACRs for past five years	10 marks
Quantum of leave availed in the past 5	5 marks
years	
Viva-voce	10 marks

Chhattisgarh

Table 115-Criteria for Accelerated Promotion As District Judge in Chhattisgarh

Criteria			Marks allotted
Departmental examination	limited	competitive	200 marks
Performance app	oraisal		30 marks
Viva Voce			20 marks

Madhya Pradesh

Table 116-Criteria for Accelerated Promotion As District Judge in Madhya Pradesh

Criteria	Marks allotted
Limited competitive examination	100 marks
Past performance	50 marks
Reputation	Not Specified

Maharashtra

Table 117-Criteria for Accelerated Promotion As District Judge in Maharashtra

Criteria	Marks allotted	
limited Departmental Competitive	200 marks	
Examination		
Evaluation of judgments	50 marks	
Evaluation of Annual Confidential	20 marks	
Reports		
Vigilance Reports	10 marks	
Disposal Remarks	10 marks	
Special Reports of the Heads of the	10 marks	
Departments under whom the candidate		
has worked during three years preceding		
the year of selection		
Performance of the judicial officer in	50 marks	

viva-voce

Gujarat

Table 118-Criteria for Accelerated Promotion As District Judge in Gujarat

Criteria	Marks allotted
Limited departmental competitive	Not Specified
examination	
Examination and Evaluation of ACRs for	20 marks
last five	
years	
Assessment of disposal of last five years of	20 marks
the officer concerned	
Evaluation of judgments of the officer	20 marks
concerned for last one year	

New Delhi

Table 119-Criteria for Accelerated Promotion As District Judge in New Delhi

Criteria	Marks allotted
Limited competitive examination	600 marks
Assessment of records	150 marks
Viva Voce	250 marks

Uttar Pradesh

Table 120-Criteria for Accelerated Promotion As District Judge in Uttar Pradesh

Criteria	Marks allotted
Limited competitive examination	600 marks
Interview	75 Marks
Character	Not Specified
Fitness	Not Specified

H. Assessment Technique of Criteria for Accelerated Promotion as District Judge

i. Limited departmental competitive examination

Limited competitive examinations are only open to eligible judicial officers in the cadre of Senior Civil Judge. The number of papers, marks and the syllabus of this examination vary from state to state;

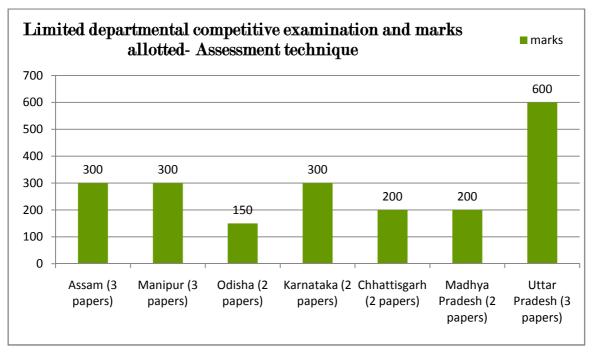


Figure 55 Details of Limited Competitive Examination

While the limited competitive examination in New Delhi is for 250 marks, the details of the examination have not been specified in any of the official policies shared with us.

ii. Viva voce

Assessment technique of this criterion has been specified in Assam. In Assam, viva voce is be conducted to assess the suitability of the candidate 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. The assessment technique of this criterions has not been expressly provided in any of the official polices of the other states shared with us.

As in the case of the assessment technique adopted for evaluating judgements for promotion as a Senior Civil Judges and for regulation promotion as District Judge, the best practice can be seen in this respect in Karnataka and Manipur.

The best practice of assessment concerning viva voce can be seen in Assam. The assessment technique of Viva Voce has not been specified in any of the official policies of the other states shared with us.

As in the case of the assessment technique adopted for promotion as a Civil Judge, the best practice for evaluating ACRs can be seen in Assam and Gujarat. In both these states, a numerical value is attached to the ratings awarded to a judicial officer in his ACR for last 5 years and the same is calculated to determine the quantitative weightage the judicial officer would be entitled to. A similar practice in this respect can also be seen in Madhya Pradesh.

In relation to the evaluation of disposal records, the best practice can be seen in Karnataka Gujarat and Madhya Pradesh. In Gujarat and Madhya Pradesh, a corresponding numerical weightage is awarded for the ratings received by the judicial officers under the Norms Disposal in the last 5 years. In Karnataka, as there is no rating system but a benchmark is prescribed, marks have been awarded in terms of achieving the prescribed benchmark or exceeding the prescribed benchmark by certain percentages.

For most of the other criteria, no assessment technique has been prescribed in any of the states.

The assessment technique adopted in different states is as follow;

Assam

Table 121-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Assam

Criteria	Marks allotted	Assessment Technique
Limited competitive	300 marks	Specified
examination		
Viva Voce	50 marks	Specified
Evaluation of Judgments	50 marks	Not Specified
Evaluation of ACRs	50 marks	Specified
Suitability and overall	Not Specified	Not Specified
performance of the officers		
Any Departmental	Not Specified	Not Specified
Proceeding/Enquiry if		
pending against the judicial		
officer		
Adverse entry regarding the	Not Specified	Not Specified
character and integrity.		

Limited Competitive Examination

It consists of three papers of 100 marks each. The brief syllabus of this examination is provided in schedule B of the Rules. The judicial officer has to obtain a minimum of 60% to be eligible for viva voce.

Viva Voce

The viva voce will be conducted to assess the suitability of the candidate 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.

The assessment technique for evaluation of ACRs is the similar to the technique prescribed for evaluation of ACRs for promotion as Senior Civil Judges. The provisions regarding evaluation of judgements are also the same.

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Manipur

Table 122-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Manipur

Criteria	Marks allotted	Assessment Technique
Limited Competitive	300	Specified
Examination		
Viva Voce	50	Not Specified
Judgments	30 marks	Specified
ACRs	Not Specified	Not Specified
Suitability & Overall	Not Specified	Not Specified
Performance		
Departmental	Not Specified	Not Specified
Proceeding/Enquiry, if any		
pending		
Benchmark obtained	Not Specified	Not Specified
subsequent to adverse entry		

Limited Competitive Examination

The accelerated promotion is carried out on the basis of merit through a Limited Departmental Examination to be held by High Court from time to time as prescribed in Schedule B of the Manipur Judicial Service Rules, 2005. A detailed syllabus for the Limited Competitive examination is given in the Schedule B of the Rules.

The assessment technique for evaluation of judgements is similar to the one prescribed in case of promotion of Civil Judges Senior Division.

Odisha

 Table 123-Assessment Technique of Criteria for Accelerated Promotion As District

 Judge in Odisha

Criteria	Marks allotted	Assessment Technique
Limited competitive examination	150 marks	Specified
Interview	20 marks	Not Specified
Evaluation of CCRs/P.A.Rs	30 marks	Specified

Limited competitive examination

It is a written examination of two papers for 75 marks each. The brief syllabus of these two papers is mentioned in Appendix A of the Orissa Superior Judicial Service and Orissa Judicial Service Rules, 2007.

Evaluation of ACRs

The CCR/PAR is evaluated in the following order as per the grading received;

Table 124-Assessment of ACR for Accelerated Promotion As District Judge in Odisha

CCRs/PARs Grading	Marks
Outstanding	6 marks
Very Good	5 marks
Good	4 marks
Average	3 marks
Poor	0 mark

West Bengal

Table 125-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in West Bengal

Criteria		Marks allotted	Assessment Technique
Limited	competitive	Not Specified	Not Specified
examination			
Viva Voce		Not Specified	Not Specified

The assessment technique for any criteria is not expressly provided in any of the official policies shared with us.

Karnataka

Table 126-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Karnataka

Criteria	Marks allotted	Assessment Technique
Limited competitive	300 marks	Not Specified
examination		
Viva Voce	100 marks	Not Specified
Evaluation of judgments	70 marks	Specified
Evaluation of ACR reports of	15 marks	Not Specified
past five years		
Disposal of cases of past five	10 marks	Specified
years		
Non-availment of causal	05 marks	Not Specified
leave of past five years		

Limited competitive examination

The limited competitive examination consists of two papers (one on civil law and one on criminal law) of 150 marks each however the syllabus of this criterion is not specified in any of the official policies shared with us.

The assessment technique for remaining criteria is the same as is prescribe for promotion as Senior Civil Judges.

Tamil Nadu

Table 127-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Tamil Nadu

Marks allotted	Assessment Technique
45 marks	Not Specified
30 marks	Not Specified
10 marks	Not Specified
5 marks	Not Specified
10 marks	Not Specified
	45 marks 30 marks 10 marks 5 marks

Limited competitive examination:

The limited competitive examination will be an objective type test in Civil, Criminal and Constitutional law however the syllabus of this criterion is not specified in any of the official policies shared with us

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Chhattisgarh

Table 128-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Chhattisgarh

Criteria		Marks allotted	Assessment Technique
Departmental	limited	200 marks	Specified
competitive examinat	ion		
Performance appraisa	al	30 marks	Not Specified
Viva Voce		20 marks	Not Specified

Limited competitive examination

The departmental limited competitive examination consists of two papers of 100 marks each and the detailed syllabus for the examination is prescribed in Schedule-II.

The assessment technique for other criteria is not expressly provided in any of the official policies shared with us.

Madhya Pradesh

Table 129-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Madhya Pradesh

Criteria		Marks allotted	Assessment Technique
Limited co	ompetitive	100 marks	Specified
examination			
Past performance		50 marks	Specified
Reputation		No particulars	Specified

Limited competitive examination:

Limited competitive examination shall be a written examination of two papers of 100 marks each. Paper I will be an objective paper and paper II will be a descriptive paper.

Past performance is evaluated in the following manner:

Table 130-Assessment of Past Performance for Accelerated Promotion As DistrictJudge in Madhya Pradesh

Parameters	Marks allotted
ACRs for past five years	20 marks
Disposal for past five years	20 marks
Quality of Judgment/order	10 Marks

For evaluating ACRs- the following marks are be awarded to the following grades obtained in the last 5 years:

Table 131-Assessment of ACR for Accelerated Promotion As District Judge in Madhya Pradesh

Grade	Marks allotted
Outstanding/Excellent	4 marks
Very Good	3 marks

Good	2 marks
Average	1 mark
Poor	0 mark

Assessment of Disposal Records

The disposal records are calculated in the form of 'units per day' of the judicial officer and quantitative weightage isawarded in the following manner;

Table 132-Assessment of Disposal Records for Accelerated Promotion As District Judgein Madhya Pradesh

Per day average in units	Marks allotted
9 or above	4 marks
Very good	3 marks
Good	2 marks
Average	1 mark
Below average*	0 mark

*it may be noted that the nomenclature used for the lowest rating in the Norms of Disposal of Madhya Pradesh is Poor and not 'Below Average'.

The assessment technique for evaluating judgements has not been specified in any of the official policies shared with us.

Reputation

It has been provided that vigilance report shall be used for assessing the reputation of the judicial officer.

Maharashtra

Table 133-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Maharashtra

Criteria		Marks allotted	Assessment Technique
limited	Departmental	200 marks	Not Specified
Competitive E	xamination		
Evaluation of	judgments	50 marks	Not Specified

Evaluation of Annual	20 marks	Not Specified
Confidential Reports		
Vigilance Reports	10 marks	Not Specified
Disposal Remarks	10 marks	Not Specified
Special Reports of the Heads	10 marks	Not Specified
of the Departments under		
whom the candidate has		
worked during three years		
preceding the year of		
selection		
Performance of the judicial	50 marks	Not Specified
officer in viva-voce		

Limited competitive examination

The assessment technique of any criteria has not been specified in any of the official policies shared with us.

Gujarat

Table 134-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Gujarat

hnique

Limited competitive examination:

The particulars of limited departmental competitive examination have not been specified in any of the official policies shared with us.

The assessment technique for remaining criteria is the same as is prescribe for regular promotion as District Judge.

New Delhi

Table 135-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in New Delhi

Criteria	Marks allot	ted Assessment Technique			
Limited con	npetitive 600 marks	Not Specified			
examination					
Assessment of records	s 150 marks	Not Specified			
Viva Voce	250 marks	Not Specified			

The assessment technique of criteria has not been specified in any of the official policies shared with us.

Uttar Pradesh

Table 136-Assessment Technique of Criteria for Accelerated Promotion As DistrictJudge in Uttar Pradesh

Criteria		Marks allotted	Assessment Technique
Limited	competitive	600 marks	Specified
examination			
Character		No particulars	Not Specified
Fitness		No particulars	Not Specified

Limited competitive examination:

A limited competitive examination is conducted on the following subjects and a detailed syllabus for the examination is given in the Appendix H of the Rules:

The assessment technique of other criteria has not been specified in any of the official policies shared with us.

Survey on Performance Appraisal and Promotion Schemes of Judicial Officers

Survey Audience

In order to gain feedback on the implementation of the performance appraisal systems and schemes of promotion of judicial officers in different states, a questionnaire was designed. The questionnaire was designated for the serving judicial officers in the identified states so as to have an insight into the challenges and shortcomings of the existing policies. As the purpose of the survey was to examine the efficacy of the existing policies, it was felt that the survey should be confined to judicial officers as they are the ones who have first-hand knowledge of its implementation.

Preparation of the Questionnaire

The questionnaire consisted of two parts. The first part dealt with questions pertaining to the performance evaluation mechanism in the identified states and consisted of 9 questions. The second part pertained to the promotion schemes in the identified states and consisted of 5 questions. The questions were framed keeping in mind existing policies in the different states. Most of the questions required responses either in the form of yes/no or required responses in the form of picking a rating in a scale of 1 to 5 with 1 indicating 'very bad' and 5 indicating 'very good'. At the end of the questionnaire, an option was given to the respondents to add their comments on any matter not covered under the different questions.

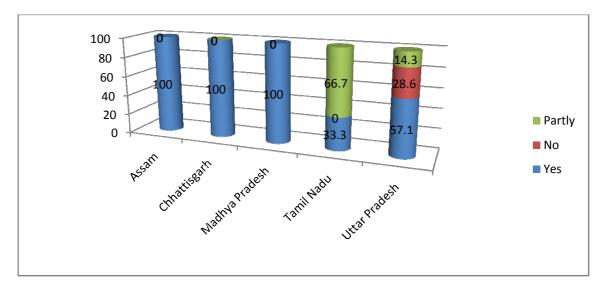
The contents and structure of the questionnaire was finalised after a broad consultation process with various stakeholders. The initial draft of the questionnaire was shared with the various organisation and academics with experience in the area of judicial reforms. The draft questionnaire was also shared with the High Court authorities of all the identified states in order feedback. The final draft of the questionnaire was determined taking into considerations the various suggestions which were received.

Mode of Administration

The survey was administered by means of a questionnaire on Google Forms that was sent out to judicial officers directly by mail. The mail ids of judicial officers are not publicly available and thus we were completely reliant on the respective High Courts for access to the e-mail ids of judicial officers. Accordingly requests were sent to the High Courts of all the identified states to share the e-mail ids of judicial officers. Despite repeated request and reminders, out of the 12, authorities of only 5 High Courts shared the e-mail ids of serving judicial officers. Thus, the survey could be conducted in only the following 5 states; Assam, Chhattisgarh, Madhya Pradesh, Tamil Nadu and Uttar Pradesh. The survey was kept open for a period of over 40 days starting from the 2nd week of July, 2017. In total 25 respondents replied from these 5 states.

Survey Results

The results of the survey have been presented in the nature of percentage of respondents in relation to different options of answers for different questions.



Awareness about Existing Performance Evaluation System

Figure 56 Survey Results- Awareness about Existing Performance Evaluation System

Awarness about the existins policies would ususally reflect both on the alerntness of the judicial officers concerned and also on the easy accessibility of such policies. Surprisingly, there were responses which indicated a lack of complete awareness regarding the manner in which perofmrance of judcial officers is being assessed in the respective states.

Usefulness of Periodic Performance Evaluation

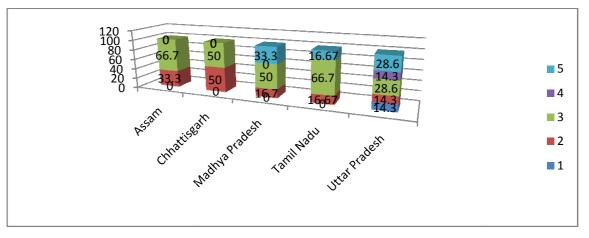


Figure 57 Survey Results- Usefulness of Periodic Performance Evaluation

The purpose of perioic performance appraisal is to enourage improvement amongst the judicial officers. Thus, if the judicial officers themselves are not convinced about the usefulnes of the existing performance appraisal schemes, such schemes would never serve their purpose adequately. It may be noted that the majority of the responses regarding the usefulness of the existing schemes of performance evaluation is rather underwhelming. In 2 out of the 5 states, not a single officer rated the usefulness of periodic performance evaluation beyond 3. The average rating of the usefulness of periodic performance evaluation in different states is as follows;

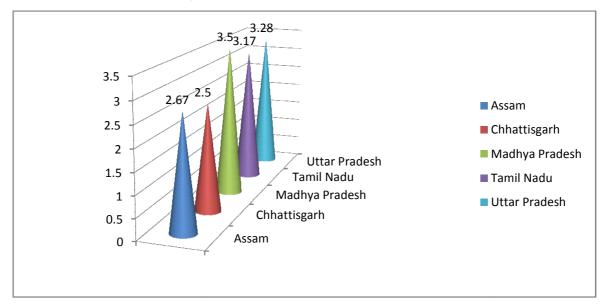


Figure 58 Average Rating- Usefulness of Periodic Performance Evaluation

Objectivity in Annual Confidential Records

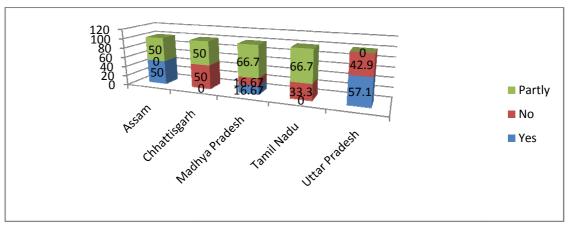
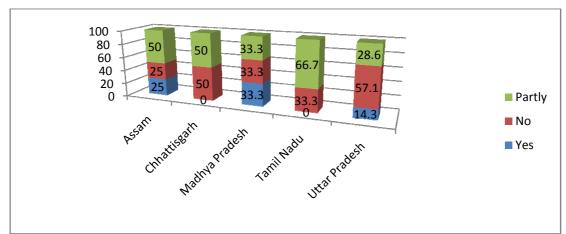


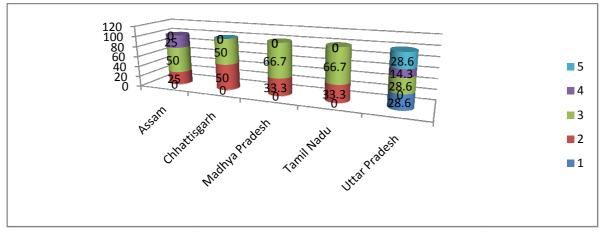
Figure 59 Survey Results- Objectivity in Annual Confidential Records

Without obejctive foundations, any scheme of performance evaluation is likely to be prone to unfavourable subjectivity and abuse. Thus it is important the the process of maintaining ACR as the assessment method of the peformance of judicial officers should be characterised by objectivity. However, most of the respondents in all the States doubted the capacity of the ACR as a system to facilitate an objective assessment of the performance of judicial officers. In almost all the States, the number of respondents answering in affirmative did not exceede the number of respondents answering in negative or only partly affirmative. Even in Uttar Pradesh where 57.1 percentage of respondents asswered in affirmative, as many as 42.9 percentae of respondents answered in a categorial negative.



Comprhensiveness of Norms of Disposal

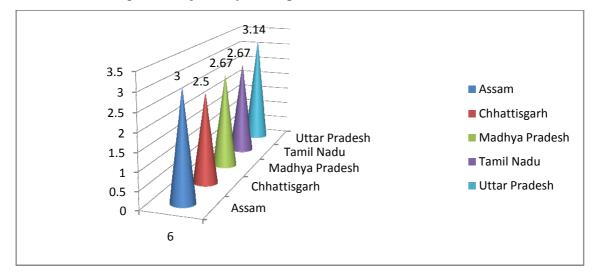
The Norms of disposal in different states are expected to govern the quantitative workload of judicial officers. It is expected that any system of quantitative yardsticks would be sufficiently detailed so as to cover the variety of functions being discharged by the judicial officers. In all the States, majority of the respondents did not believe that the norms of disposal are comprehensive enough to capture the entirety of their workload. Across all the states, less than 20% of the respondents annswered this question in affirmative.



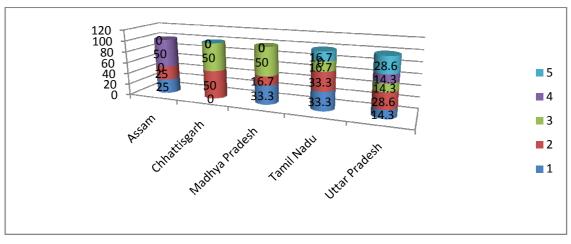
Objectivity in Paramteres of Assessment

Figure 61 Survey Results- Objectivity in Parameters of Assessment

Majority of the respondent in all the states felt that there is insufficient objectivity in the parameters of assessment prevailing in their respective states. The average rating in different states as to the degree of objectivity in the parameters of assessment is as follows;







Transparency of the Evaluaiton Process

Figure 63 Survey Results- Transparency of the Evaluation Process

Transparency is a fundamental requirement in any evaluation process. The parameters of evaluationa and the process of evaluation must be open in nature and in the nature of things which happen in the background. Transparency is perhaps the most effective bulkwark against tendencies to abuse authority. The responses concerning degree of transparency in the evaluation process were consistently negative. The average rating of transparency in the evaluation process in different States is as follows;

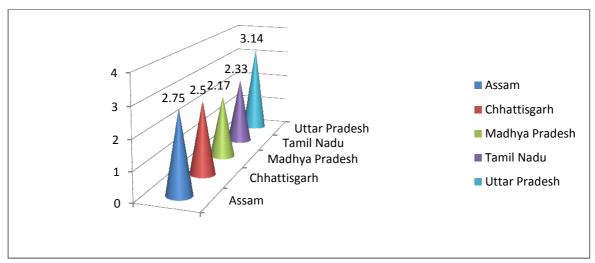
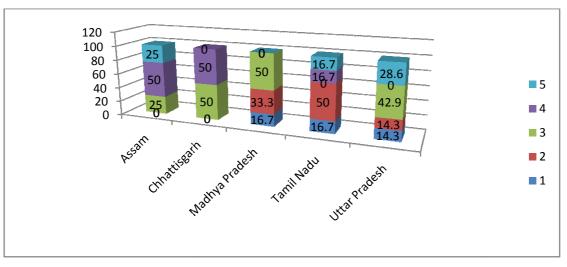


Figure 64 Average Rating- Transparency of the Evaluation Process



Communication Process of Performance Evaluation Results

Figure 65 Survey Results- Communication of Performance Evaluation Results

Existing systems of performance apprisal woud not be helpful unless the communciations mechanism in such respects is robust and consistent. The perofrmance of a judicial officer must not only be evaluated but also promptly communicated to enable him to process the feddback at his end. Below is the average rating of the communication process of evaluation results in diffeerent States;

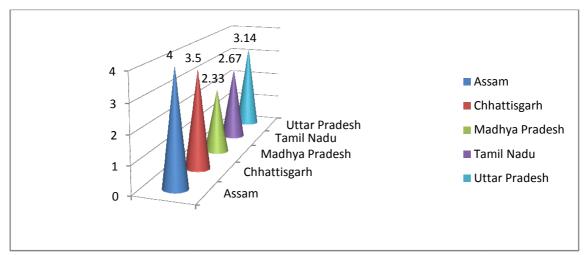


Figure 66 Average Rating- Communication of Performance Evaluation Results

120 100 0 0 16.670 80 50 14.3 33.3 60 0 100 5 40 66.67 14.3 33.3 50 20 4 42.9 0 0 16.67 33.3 3 Assam Chhattiseann 14.3 Wadnya Prodest Tamil Nadu 2 Urtal Pradesh 1

Encouragring Qualitative Performance

Figure 67 Survey Results- Encouraging Qualitative Performance

The qualitative profrmance of a judicial officer matters as much his quantitative performance. A dispropriorate emphasis on quantitative aspects of performance would be significantly detrimental to the cause of justice. Thus, systems of performance appraisal must not only ensure the fulfilment of quantitative targets, but must also ensure that quality of performance is not sacrificed in pursuits of quantitative targets. Below is the average rating in different states in relation to the existing evaluation schemes encouraging qualitative performance;

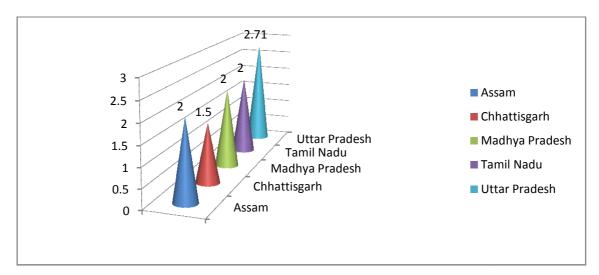


Figure 68 Average Rating- Encouraging Qualitative Performance

Dissemination of Evaluation Results

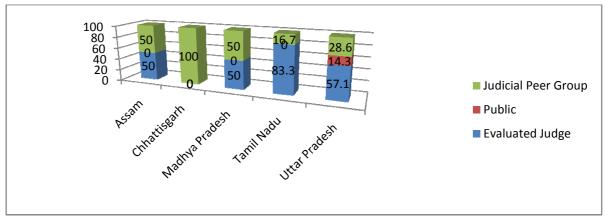


Figure 69 Survey Results- Dissemination of Evaluation Results

Majority of the respondents felt that the results of the evaluation process of a judicial officer should be shared primarily with the concerend judicial officer only. However, close to $1/3^{rd}$ of the total respondents were not adverse to the results being shared within the judicial peer group. Less than 5% of all the respondents were comfortable with the evaluation results being made public.

Promotion as a Reward for Better Performing Judges

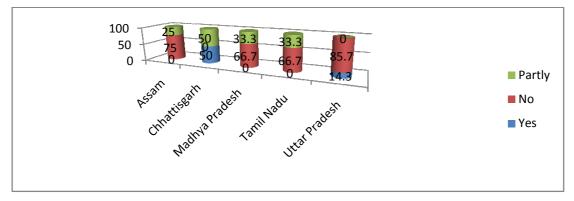


Figure 70 Survey Results- Promotion as a Reward for Better Performing Judges

The prupsoe of any promotion scheme is to award the better performing members of the organisation. As many as 68% of the respondents across all the states were of the view that the existing schemes of promotion in their stated do not reward better performing judges.

Transparency in Promotion Schemes

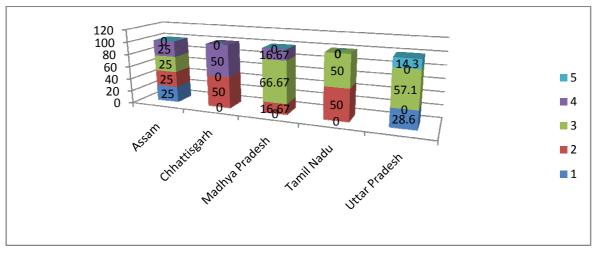


Figure 71 Survey Results- Transparency in Promotion Schemes

Transparency in the decision making process concerning prmotions of judicial officers should be considred a non-negotiable requirement. The decisions must not simply be fair but must be open. The average rating of the promotion schemes in this regard in different states is not satisfactory;

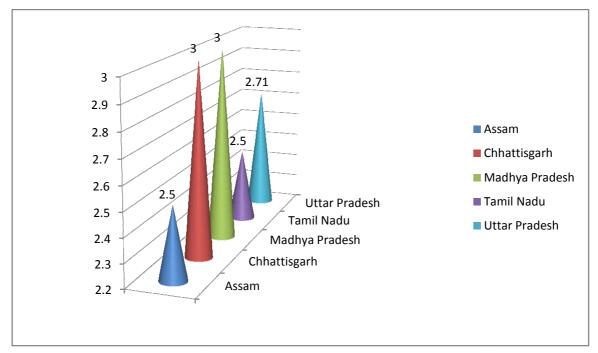
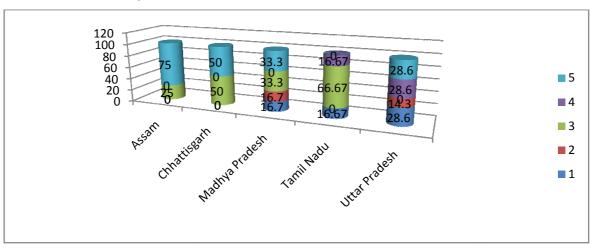


Figure 72 Average Rating- Transparency in Promotion Schemes



Merit Cum Seniority as a Criterion for Promotion

Figure 73 Survey Results- Merit Cum Seniority as a Criterion for Promotion

Majority of the respondents favoured the princple of merit cum seniority as a criterion for promotion. The avrage rating in different states in this respect is consistently higher than in relation to any other question;

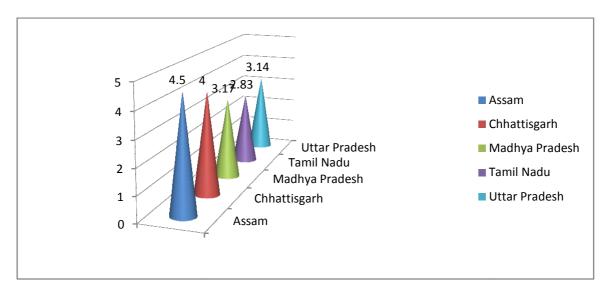


Figure 74 Average Rating- Merit Cum Seniority as a Criterion for Promotion

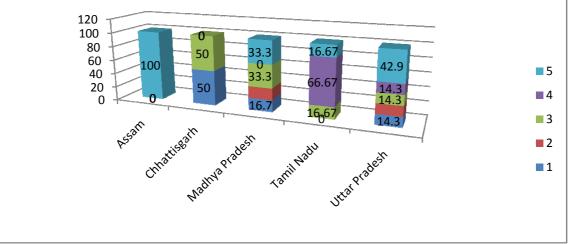


Figure 75 Survey Results- Merit as a Criterion for Promotion

As many as 60% of the respondents rated the concept of 'only merit' as a criteria for promotion with rating of 4 or more. Under this system, the issue of seniority is not relevant is determining questions of promotion and decisiosn are expected to be taken solely on the basis of the merit of prospective candidates. Follwoing is the average rating in different states in this respect;

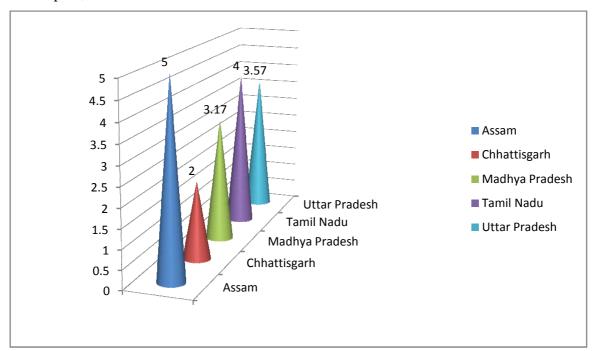
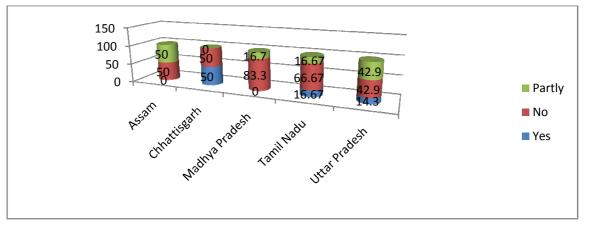


Figure 76 Average Rating- Merit as a Criterion for Promotion

Limited Competitive Examination





Limited competitive examinations are usually adopted in schemes of acclerated promotion for being promoted as a District Judge. 64% of the respondents across all the states felt that limited competitive exmainations do not sufficient test the suitability of candidates. Only 16% of the candidates felt that limited competitive exmainations adequately test the suitability of candidates.

Critical Impressions

It should be conceded from the outset that the sample size of the survey is limited and thus drawing broad generalisations from the responses would not be advisable. However, many of the comments submitted by the respondents and putting the responses in the context of the existing analyis of the official policies does facilitate a greater understanding of the problems and challenges in the existing schemes of performance appraisal and promotion.

A number of comments by respondents from different states focussed on the fact that there is often arbitrariness in the actions of the reporting officer while filling up the ACR proforma of subordinate officers as the assessment is entirely depednent on the subjective decisions of the reporting officer. These comments are also backed up by the consistenly low ratings of the peformance appraisal schemes on factors of objectivity. The earlier analysis of the perofmrance apparisal schemes has already revelaed that there is a lack of objective assessment techniques of the parameters of performance evaluation in almost all the states.

While it is absolutely essential that the criteria for evaluation of performance or the criteria for promotion should be clearly laid down, that cannot be the end of process. It is submitted that without categorical guidelines on how to assess the laid out criteria, subjective, personalised and arbitrary assessment of the criteria cannot be mitigated. One of the most obvious examples of such arbitrary exercise of power can be seen in the power of the reporting officer to assess the integrity of the judicial officer. In all states, reporting officers are expected to comment on the integrity/honesty of the judicial officer. In certain states the exact question in the ACR is not even on the integrity/honesty of the judicial officer but on 'reputation of integrity/honesty' of the judicial officer. While the need to ensure continued integrity on the part of judicial officers cannot be disputed, without assessment guidelines, such powers can very easily become prone to abuse.

How is a person's integrity to be measured? How does one measure one's reputation? At some level, such assessment is highly personalised and subjective. The impression about the reputation of Y may depend entirely on the persons from whom such opinion is sought. Unless there is a clear methodlogy to determine how to seek opinions on the honesty/integrity of a judicial officer, there is not guarantee to ensure that a reproting officer would not abuse this power for whatever might be his reasons for doing so. With such a nebulous mechanism, it would be unfair if the reporting officer could simply mention that the integrity of a judicial officer is doubtful or is not above suspicion. The only logical conclusion in case of doubtful integrity is to initiate appropriate proceedings to make the judicial officer accountable. Thus, allowing an adverse comment on doubtful integrity to stand in the absence of a tangible assessment methodology might not be ideal. In such cases, it might be better not to authorise the reporting officer to comment on the integrity of the judicial officer at all as part of annual performance appraisal. If the integrity is doubtful, appropriate actions may be initiated.

This problem with lack of assessment guidelines can be observed not simply in this case but in almost all criteria of performance appraisal or promotion. How to evluate the judgements of a judicial officer? How many judgements to evaluate? How many marks per judgement? How many marks for legal reasoning and how many for factual narration? How to assess the temparament of a judge in terms of his behaviour with litigants, colleagues or lawyers? Answering these questions should not be subject to the personalised preferences of reporting officers. No power to review the performance of subordinate officers should be entrusted without prescription of clear assessment guidlines.

Questionnaire

This survey contains questions about the performance evaluation mechanism and the promotion schemes relating to the subordinate judges. This survey is a part of the Department of Justice project on A Comparative Analysis of Performance Appraisal Mechanisms and Schemes of Promotion in relation to the Judges of Subordinate Judiciary in different States in India being implemented by National Law University Odisha. The questions are mostly scale-based, yes or no questions. It will only take 10 minutes to complete this survey. Thank you so much for you time.

1. Which court do you preside?

(Textual response is required)

PART I

2. Are you aware of the existing periodic performance evaluation system in your state?

Yes

No

Partly

- 3. How would you rate the usefulness of periodic performance evaluation of judges with 1 being 'very bad' and 5 being 'very good'?
 - 1 2 3 4 5
- 4. Do you think that maintaining Annual Confidential Record objectively assess the performance of a judicial officer?

Yes

No

Partly

5. Do you think that 'norms of disposal' in your state are a comprehensive indicator of your workload?

Yes No Partly

- 6. In terms of objectivity in the parameters for assessing the performance of judges, how would you rate the existing scheme with 1 being 'very bad' and 5 being 'very good'?
 - 1 2 3 4 5
- 7. In terms of transparency of the evaluation process, how would you rate the existing scheme with 1 being 'very bad' and 5 being 'very good'?
 - 1 2 3 4 5
- 8. How would you rate the communication process in informing the judges regarding their performance level with 1 being 'very bad' and 5 being 'very good'?
 - 1 2 3

4 5

9. How would you rate the current scheme of evaluation in terms of promoting qualitative performance with 1 being 'very bad' and 5 being 'very good'?

10. Who should the periodic performance appraisal of the subordinate judges be available to?

To the judge who is being evaluated

To the public to instill confidence in the court system

Within the judicial peer group

Others

If others, please specify

PART II

11. Do you think that the current scheme of promotion in your state duly rewards better performing judges?

Yes No Partly

12. How would you rate the transparency in the existing promotion schemes with 1 being 'very bad' and 5 being 'very good'?

13. How would you rate 'merit cum seniority' as a criterion for promotion with 1 being 'very bad' and 5 being 'very good'?

14. How would you rate 'only merit' as criterion for promotion with 1 being 'very bad' and 5 being 'very good'?

- **15.** Do you think limited competitive examination is sufficient to assess the merit of a potential candidate for promotion?

Yes No Partly

Analysis of Direct Recruitment of Judges

It may be clarified that the primary focus of the research undertaken was to examine the systems of performance appraisal and promotion of judicial officers. Thus, the main concern of the research consisted of matters pertaining to serving judicial officers and not on how they are recruited. However, in the process of compiling the relevant regulations in each state concerning performance appraisal and schemes of promotion, we found that we have data regarding direct recruitment rules of most of the states in the depository of official policies shared with us. Thus, this portion of the research report is in the form of an addendum and provides a brief comparative overview of the system of direct recruitment in various states.

Here, we have discussed the eligibility criteria and the method of recruitment when the candidates are directly recruited as judicial officers. The provisions regarding direct recruitment to the post of civil judges (junior division) and district judges are provided in the Rules itself. The system of Direct Recruitment has been analysed from two perspectives;

- 1. Eligibility Conditions
- 2. Method of Recruitment

A. Civil judge (junior division)

Direct recruitment is the only method of recruiting candidates to the post of civil judge (junior division). When the candidates satisfy the eligibility criteria, they can appear for the written examination and the viva voce. Usually, a minimum benchmark is provided for the written examination and the candidates meeting the benchmark can appear for the viva voce.

i. Eligibility conditions

It may be noted that we have focused only on such conditions of eligibility which have been expressly mentioned in the official rules or policies available with us.

After analysing the Rules of different states, the following eligibility conditions are common in many states;

- 1. Academic qualification
- 2. Nationality
- 3. Age

- 4. Prohibition of bigamy
- 5. Good character
- 6. No dismissal or expulsion from the service
- 7. No conviction for an offence involving moral turpitude
- 8. No involvement in unfair practices
- 9. Good health

The other eligibility conditions include language (Odisha, Maharashtra, and Uttar Pradesh), no disciplinary action by the Bar Council of India or other statutory authority (Karnataka), no professional misconduct (Chhattisgarh) and having not more than two children (Maharashtra). Apart from these some states prescribe a minimum number of years of practice or that the candidate should be qualified to practice.

Academic qualification

This eligibility condition is present in almost all the states (Assam, Manipur, Odisha, Karnataka, Tamil Nadu, Chhattisgarh, Madhya Pradesh, Maharashtra and Uttar Pradesh). Under this eligibility condition, the candidate possessing a law degree from a university established in India or recognised in India are eligible to be directly recruited as a civil judge (junior division).

Nationality

This eligibility condition requires the candidates to be an Indian citizen. States like Assam, Manipur, Odisha, Karnataka, Chhattisgarh, Madhya Pradesh, Maharashtra, Gujarat, New Delhi have this as an eligibility condition. Uttar Pradesh also allows the candidate who is a subject of Sikkim, a Tibetan refugee who came to India before 1st January, 1962 with the intention of permanently settling in India, a person of Indian origin who has migrated from Pakistan, Burma, Ceylon or any of the East African countries of Kenya, Uganda and the United Republic of Tanzania with the intention of permanently settling in India are also eligible to be directly recruited to the post of civil judge (junior division).

Age

This eligibility condition prescribes the age of the candidates. In New Delhi, the candidate should not be more than 32 years old. In Uttar Pradesh, the candidates should not be less than 22 and not more than 35 years of age. In Odisha, the candidates should not be more than 21 years of age and not more than 32 years of age.

Prohibition of Bigamy

This eligibility condition bars the male candidate who has more than one wife living or the female candidate who is married to a man already has a wife living from directly recruited as a civil judge (junior division). States like Assam, Manipur, Odisha, Karnataka, Chhattisgarh, Maharashtra, Gujarat, New Delhi and Uttar Pradesh have this as an eligibility condition.

Good Character

This eligibility condition requires the candidates to be of good character. However, this phrase 'good character' is not defined in the Rules and is no technique has been provided in the Rules for judging the good character of the candidates. States like Assam, Manipur, Odisha, Karnataka, Chhattisgarh, Madhya Pradesh, Maharashtra and Uttar Pradesh have this as an eligibility condition.

No dismissal or expulsion from service

The candidates should not be expelled or dismissed from the service by the High Court, Union Public Service Commission or State Public Service Commission or other statutory bodies. States like Assam, Manipur, Odisha Karnataka, Chhattisgarh, Maharashtra, Gujarat and Uttar Pradesh have this as an eligibility condition. In Maharashtra, if the candidate has not successfully completed his probation period in judicial service or in government or statutory or local authority, s/he is not eligible to be recruited as civil judge (junior division).

No conviction for offences involving moral turpitude

The candidates should not have been convicted of any offence which involves moral turpitude. Such candidates are not eligible to be recruited as civil judges (junior division). States like Assam, Manipur, Odisha, Karnataka, Chhattisgarh, Maharashtra, Gujarat and Uttar Pradesh have this as an eligibility condition.

No involvement in unfair practice

The candidates should not involve in any unfair practice with regard to her/his candidature. If the candidates involve in any unfair practice, then s/he is not eligible to become a civil judge (junior division).

Good health

Good health has been prescribed as an eligibility condition. A medical fitness certificate in most states acts as a proof for this eligibility condition. States like Assam, Manipur, Odisha, Karnataka, Chhattisgarh, Madhya Pradesh and Maharashtra have this as an eligibility

condition. In Uttar Pradesh and Chhattisgarh, 'good health' means both physical and mental health.

Language

Language has been prescribed as an eligibility condition only in the states like Odisha, Maharashtra and Uttar Pradesh. In Odisha, the candidate should have passed examination in Odia at the Middle English School standard. However, some states like Maharashtra, Odisha, West Bengal, Tamil Nadu, Karnataka, Chhattisgarh, New Delhi, Uttar Pradesh and Assam have a translation paper which tests the knowledge of vernacular language. In Assam, the knowledge of language is tested for ten marks (out of 100 marks) by way of objective questions in the preliminary examination.

Assam

Table 137 – Eligibility Conditions for Recruitment as Civil Judge in Assam

Eligibility	Particulars
Academic Qualification	Must be a holder of a degree in Law granted by a recognized University established by law in Law.
Nationality	Must be a citizen of India
Age	Upper Limit: 35 years.
Bigamy	A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to any posts in the service.
Character	Good character and is suitable in the opinion of the appointing authority in all respects for appointment to the service.
Dismissal or Expulsion from Service	The candidate must not have been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it
Conviction	Must not be convicted of an offence involving moral turpitude.

Unfair	He directly or indirectly influences the recruiting authority by any means
Practices	for his candidature.
Health	Certified by the medical authority to be Medically fit to discharge the duties of the post for which he is selected for appointment.

Manipur

Table 138 -Eligibility Conditions for Recruitment as Civil Judge in Manipur

Eligibility	Particulars
Academic Qualification	Must be a holder of a degree in Law granted by a recognized University established by law in Law.
Nationality	Must be a citizen of India
Age	Upper Limit: 35 years.
Bigamy	A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to any posts in the service.
Character	Good character and is suitable in the opinion of the appointing authority in all respects for appointment to the service.
Dismissal or Expulsion from Service	The candidate must not have been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it
Conviction	Must not be convicted of an offence involving moral turpitude.
Unfair Practices	He directly or indirectly influences the recruiting authority by any means for his candidature.
Health	Certified by the medical authority to be Medically fit to discharge the duties of the post for which he is selected for appointment.

Odisha

Table 139 -Eligibility Conditions for Recruitment as Civil Judge in Odisha

Eligibility	Particulars
Academic Qualifications	A graduate in law of a recognized University or institutions recognized by the Government
Age	Not below twenty one years of age and not above thirty two years of age on the 1st day of the month of the August of the year in which applications are invited
Age relaxation	maximum age limit shall be relaxed by five years in case of the Scheduled Castes. Scheduled Tribes, women and Orthopaedically Handicapped candidates and by three years in case of candidates belonging to SEBC
Character	Of good character
Health	of sound health and free from any organic defects and physical infirmity
Other eligibility conditions	A Superintendent or a Ministerial Officer in the High Court or any Civil or Criminal Court sub-ordinate to the High Court, or an Assistant Law Officer or Translator of the Law Department of Government, shall be eligible for appearing at the competitive examination under rule 15 for appointment as Civil Judge if he: (a) Has approved service in the High Court or in any Civil or Criminal Court sub-ordinate to High Court or in the Law Department of not less than seven years on the last date fixed for receipt of application for the said competitive examination; (b) Has been recommended by the respective appointing authority; and (c) Is not more than thirty nine years of age on the 1st day of the month of August of the year in which applications are invited
Nationality	He or she should be a citizen of India
No offence involving moral	He or she should not have been convicted of an offence involving moral turpitude

turpitude	
No dismissal from service	He or she should not have been dismissed from service by any High Court or government or statutory or local authority or should not have been permanently debarred or disqualified by the High Court or UPSC or any state public service commission.
Prohibition of bigamy	If he is a man and has more than one wife living and if a woman has more has one husband or has married a man who has already another wife living
Language	able to speak, read and write Oriya fluently and must have passed an examination in Oriya Language equivalent to that of Middle English School standard
No unfair practice	He or she should not directly influence the recruiting authority by any means for his or her candidature.

West Bengal

Direct recruitment to posts mentioned in rule 6 (1) (a) is made be made by Governor in accordance with WBSC recruitment rules, after consultation with High Court and the commission. As the primary focus of the research was on performance appraisal and promotion of judicial officers, we did not have the opportunity of examining the relevant rules in Wes Bengal.

Karnataka

Table 140 -Eligibility Conditions for Recruitment as Civil Judge in Karnataka

Eligibility	Particulars
Academic Qualifications	Must be a holder of a degree in law granted by a university established by law in India & Must have been enrolled as an advocate
Nationality	Must be a citizen of India
Age	Upper Limit: 35 years.

Dismissal or Expulsion from Service	A candidate is not eligible to recruitment if he is dismissed or removed from service or compulsorily retired by any High Court, Government or Statutory or local authority or other employer
Conviction	Must not have been convicted of an offence involving moral turpitude or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission from appearing for examinations or selections conducted by it or has been removed from its roll by any Bar Council.
Disciplinary Action	Disqualified if any penalty or punishment has been imposed by the Bar Council or any disciplinary authority which makes the applicant unsuitable for a judicial post.
Unfair Practices	The candidate shall be disqualified if he directly or indirectly influences the recruiting authority for his candidature.
Bigamy	The marital status should not be bigamous
Character	Must be of good character
Health	Should be medically fit to discharge the duties of the post for which he is appointed.

Tamil Nadu

Table 141 -Eligibility Conditions for Recruitment as Civil Judge in Tamil Nadu

Eligibility	Particulars
Academic	Must possess a Degree in Law of a University in India established or
qualifications	incorporate by or under a Central Act or a state Act or an institution
	recognized by the University Grants Commission, or any other equivalent
	qualification and got enrolled in the Bar Council of Tamil Nadu; and in
	the case of candidates enrolled in the Bar Councils of other States, they
	should submit proof of transfer of their enrollment to the Bar Council of
	Tamil Nadu.

Years of (In addition to the above) Must be practicing as an advocate or Pleader in practice the High Court or Courts subordinate thereto and must have so practiced for not less than 3 years

(OR) Must be an Assistant Public Prosecutor having not less than **3** years of experience as an Advocate and/or Assistant Public Prosecutor. AND Must have attained the age of 25 years and must not have attained the age of 35 years in the case of General Category and 40 years in the case of Reserved Categories. (OR) Must be a fresh Law Graduate Possessing a degree in law from a recognized University as mentioned in academic qualifications above, who is eligible to be enrolled or enrolled as an Advocate and who has secured an overall percentage of 50% marks in acquiring such a law degree in case of open categories and 45% marks in respect of other reserved categories. (AND) Must have attained the age of 22 years and must not have completed the age of 27 years

Chhattisgarh

Table 142 -Eligibility Conditions for Recruitment as Civil Judge in Chhattisgarh

Eligibility	Particulars
Nationality	Citizen of India
Age	Lower cap: 25yrs Upper cap: 35 yrs as on 1 st January of the following year.
Age relaxation	A cap of 35 years which can be relaxed up to maximum limit of 5 yrs for SC, ST and OBC and 10 yrs for women of SC, ST, OBC and General; Additional 3yrs yrs of relaxation in both cases for temporary/ permanent Government servant
Academic qualification	Degree in Law of any recognized University
Character	Good character

Health	Sound health and mind and free from any disability rendering him unfit for such appointment.
Bigamy	Not eligible if more than one spouse living
	Not eligible if removed by High court, statutory/local authority; Permanently debarred by High court/UPSC/SPSC/SSC
Conviction	Not eligible if convicted of an offence involving moral turpitude
Unfair means	Not eligible if attempt to obtain support for his candidature by any means
Misconduct	Not eligible if guilty of professional misconduct

Madhya Pradesh

Table 143 -Eligibility Conditions for Recruitment as Civil Judge in Madhya Pradesh

Eligibility	Particulars
Academic Qualifications	He must possess a degree in Law of any recognized University.
Nationality	Citizen of India
Age	Lower limit: 21 years; Upper Limit: 35 years.
Character	Good character
Health	Should be of sound health and free from any bodily defect which renders him unfit for appointment.
No Unfair Practice	He or she should not involve in any unfair practice regarding his or her candidature

Maharashtra

Table 144- -Eligibility Conditions for Recruitment as Civil Judge in Maharashtra

Eligibility	Particulars
Academic Qualifications	Must be a holder of a degree in Law
Years of Practice	a) Must be practicing as an advocate in the High Court or Courts subordinate thereto for a period of not less than three years. OR
	a) Must be a fresh Law Graduate who:
	i. Has secured the degree in law by passing all the examinations leading to the degree in the first attempt;
	 Has secured in the final year examination of the degree in Law or in the case of candidates holding Master's Degree in Law in final year exam, not less than 55% marks; OR
	 b) Must be working or must have worked as Public Prosecutor or Government Advocate for not less than three years in the post or posts. In computing the period of three years, the period during which the candidate has worked as an Advocate shall also be included; OR
	c) Must be a member of Ministerial Staff-
	(i) Of High Court or Courts subordinate thereto; or
	(ii) Of offices of the Government Pleaders attached to those Courts; or
	(iii)Working as Legal Assistant and above in the Legal Section of Law and Judiciary Department in Mantralaya provided such employee has put in minimum three years of service after obtaining Degree in Law.
Nationality	Must be a citizen of India.

Age	Must have attained the age of 21 years and not more than,		
	a) 35 years in the case of Advocates with three years practice,		
	b) 25 years in the case of fresh law graduates		
	c) 45 years in the case of ministerial staff.		
Language	Candidate must have sufficient knowledge of Marathi so as to enable him to speak, read & write in Marathi & to translate with facility from Marathi into English & vice versa. Such knowledge must be certified-		
	 (i) In case of an Advocate, by the District Judge of the District where he practices; 		
	 (ii) In case of a fresh graduate, by Principal or Head of the College or University department where the candidate was enrolled for LL.B. or LL.M. Degree; 		
	(iii) In case of members of Staff, by the Head of the Office under whom such candidate is working;		
	(iv) in special circumstances, by re-employment of retired Civil Judges (Junior Division)		
	The candidates must pass Marathi language test within six months as per Government Rules.		
Dismissal or	He should not be dismissed or removed from service or compulsorily		
Expulsion	retired from judicial service or from service in Government or Statutory		
from Service	or Local authority or failed to complete probation period in judicial service on any post, in Government or Statutory or Local authority.		
Conviction	He has been convicted of an offence involving moral turpitude or who has been permanently debarred or disqualified by the High Court or the Union Public Service Commission from appearing for examinations or selections conducted by it.		
Unfair	He directly or indirectly influences the recruiting authority for his		
Practices	candidature.		
Health	Certified by the medical authority to be Medically fit to discharge the duties of the post for which he is selected.		

Bigamy		A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to any posts in the service.
Number Children	of	The candidate will not be eligible if s/he has more than two children
Character		Good character and is suitable in the opinion of the Appointing Authority in all respects for appointment to the service.

Gujarat

Table 145 – Eligibility Conditions for Recruitment as Civil Judge in Gujarat

Eligibility	Particulars
Academic qualification	Law degree from university established by law in India
Years of practice	Not less than 5 years as an advocate in courts of civil and criminal jurisdictions
Age	Must have attained 35 years in case of others and 38 years in case of SC/ST

New Delhi

Table 146 – Eligibility Conditions for Recruitment as Civil Judge in New Delhi

Eligibility	Particulars
Nationality	Citizen of India
Practice	Person practicing as an advocate in India or one qualified to be an advocate under Advocates Act 1961
Age	Not more than 32 yrs
Bigamy	No person who has more than one wife living (Administrator can exempt if

satisfied that special grounds exist) and no woman who is married to any person who has a wife living shall be appointed Administrator can exempt if satisfied that special grounds exist)

Uttar Pradesh

Table 147 – Eligibility Conditions for Recruitment as Civil Judge in Uttar Pradesh

Eligibility	Particulars
Academic Qualifications	 (a) must be a bachelor of laws of a University established by law in Uttar Pradesh or any other University of India recognized for this purpose by the Governor; or (b) must be an advocate enrolled under the provisions of the Advocates Act, 1961 or a Barrister of England or Northern Ireland or a member Faculty of Advocates in Scotland and is entitled to practice in the court or courts subordinate there to.
Nationality	 (a) a citizen of India, or (b) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or © a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India.
Age	Must have attained 22 years of age and must not have attained more than 35 years of age.
Language	Must possess a thorough knowledge of Hindi in Devanagri Script;
Bigamy	A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to a posts in the service.
Character	Character of a candidate must be such as to render him suitable in the opinion of the Governor in all respects for appointment to the service.

Persons dismissed by the Union Government or by a State Government or	
debarred by the Bar Council of India or a State	
Must not be convicted & sentenced for imprisonment or any offence under	
the Indian Penal Code or any other law involving moral turpitude shall not	
be eligible for appointment to the service.	
Good mental and bodily health and free from any physical defect likely to interfere with efficient performance of his duties	

ii. Method of Recruitment

The method of recruitment to the post of civil judge (junior division) is through written examination which is followed by a viva-voce. Most of the states conduct a main examination and a viva voce but, however, some states, like Odisha and Chhattisgarh, conduct a preliminary examination also in addition to the main examination and the viva voce. In Maharashtra, if the recruiting authority deems it necessary to conduct a preliminary examination, it may hold the same. In West Bengal, the method of recruitment to the post of civil judge (junior division) is decided by the High Court from time to time.

The following table shows the method of recruitment to the post of civil judge (junior division) and the quantitative weightage given to such examinations:

States	Preliminary examination	Main examination	Viva voce
Assam	100 marks	400 marks	50 marks
Manipur	NA	400 marks	70 marks
Odisha	100 marks	750 marks	100 marks
West Bengal	-	As decided by the High Court from time to time	-
Karnataka	100 marks	400 marks	100 marks

Table 148- Comparative Overview of Scheme of Recruitment for Civil Judges

Tamil Nadu	NA	400 marks	60 marks
Chhattisgarh	Marks not specified in the schedule	100 marks	15 marks
Madhya Pradesh	NA	the High Court at the	Will be notified by the High Court at the time of notification of vacancies.
Maharashtra	the Recruiting Authority may, if necessary hold preliminary examination	200 marks	50 marks
Gujarat	NA	200 marks	50 marks
New Delhi	200 marks	850 marks	150 marks
Uttar Pradesh	NA	1000 marks	100 marks

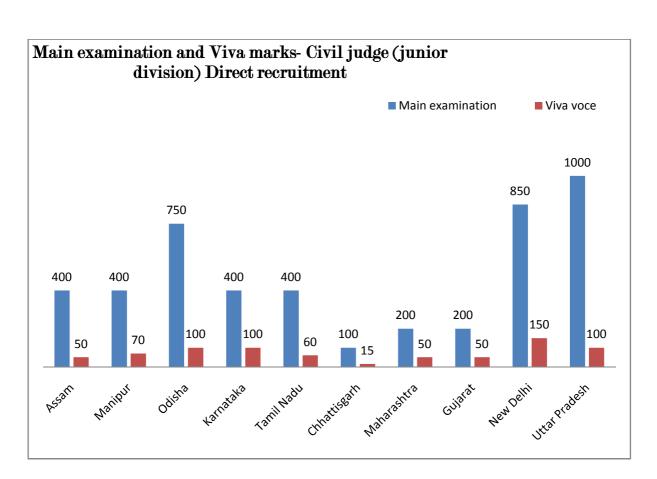


Figure 78 Scheme of Main Examination and Viva for Direct recruitment as Civil Judges

Below is the method of recruitment in each state to the post of civil judge (junior division):

Assam

The recruitment to the post of Civil Judge (Junior Division) takes place through direct recruitment on the basis of aggregate marks obtained in the Competitive Examination which consists of the following:

Table 149 – Scheme of Recruitment of Civil Judges in Assam

Scheme of Recruitment	Marks allotted
Preliminary examination	100 marks
Main Examination	400 marks
Viva-Voce	50 marks

 A detailed syllabus for the Main Examination is prescribed in the Clause A (2) of Schedule B of the Assam Judicial Service Rules, 2005. The breakup of marks for the Main Examination is as follows:

 Table 150 – Scheme of Main Examination for Recruitment as Civil Judge in Assam

Scheme of Recruitment	Subject	Marks allotted
Main Examination	Paper on English	100
	General Knowledge	100
	Law Paper I	100
	Law Paper II	100
	Total:	400

 A candidate should obtain 60% marks or corresponding grade in Main examination to be eligible for viva-voce and candidate belonging to the Scheduled Caste/Scheduled Tribe must obtain a minimum of 50% marks in the Main examination to be eligible for viva-voce.

Table 151 – Scheme of Viva for Recruitment as Civil Judge in Assam

Scheme of Recruitment	Marks Allotted
Viva-voce	70
Total:	70

The object of Viva-voce examination is to assess the suitability of the candidate for the cadre by judging the following:

Table 152 – Parameters of Viva for Recruitment as Civil Judge in Assam

Viva voce
Mental alertness
Knowledge of law
Clear and logical exposition

Balance of judgment
Skills
Attitude
Ethics
Power of assimilation
Power of communication
Character
Intellectual depth, etc.

3. Selection of candidates is based on cumulative grade value obtained in Main and viva voce. The mode of evaluating the performance of Grading in the Main & viva-voce examinations shall be specified in Schedule B of the Assam Judicial Service Rules, 2005. The following tabulator is used to convert the numerical marks into grades in a seven point scale with corresponding grade values as follows:

Table 153 Scheme of Grades for Recruitment as Civil Judge in Assam

Percentage of marks	Grade	Grade Value
70% and above	0	7
65-69	A+	6
60-64	А	5
55-59	B+	4
50-54	В	3
45-49	C+	2
40-44	С	1
Below 40%	F	0

4. In this manner, the result of the Main examination and viva voce will be indicating only the cumulative evaluation grade of the candidates which moderates the inevitable

element of subjectivity in individual evaluation and brings in relative objectivity and fairness to much higher degree.

5. The final selection list will be readied by combining the Cumulative Grade value obtained in the Main Examination and viva voce examination.

Manipur

The recruitment to the post of Civil Judge (Junior Division) takes place through direct recruitment on the basis of aggregate marks obtained in the Competitive Examination which consists of the following:

Table 154 Scheme of Recruitment of Civil Judges in Manipur

Scheme of Recruitment	Marks allotted
Main Examination	400
Viva-Voce	70

 A detailed syllabus for the Main Examination is prescribed in the Clause A (2) of Schedule B of the Manipur Judicial Service Rules, 2005. The breakup of marks for the Main Examination shall be as follows:

Table 155 – Scheme of Main Examination for Recruitment as Civil Judge in Manipur

Scheme of Recruitment	Subject	Marks allotted
Main Examination	Paper on English	100
	General Knowledge	100
	Law Paper I	100
	Law Paper II	100
	Total:	400

2. A candidate should obtain 60% marks or corresponding grade in Main examination to be eligible for viva-voce and candidate belonging to the Scheduled Caste/Scheduled

Tribe must obtain a minimum of 50% marks in the Main examination to be eligible for viva-voce.

Table 156 – Scheme of Viva for Recruitment as Civil Judge in Manipur

Scheme of Recruitment	Marks Allotted
Viva-voce	70
Total:	70

The object of Viva-voce examination is to assess the suitability of the candidate for the cadre by judging the following:

Table 157 - Parameters of Viva for Recruitment as Civil Judge in Manipur

Other criteria
Mental alertness
Knowledge of law
Clear and logical exposition
Balance of judgment
Skills
Attitude
Ethics
Power of assimilation
Power of communication
Character
Intellectual depth, etc.

Selection of candidates shall be based on cumulative grade value obtained in Main and viva voce. The mode of evaluating the performance of Grading in the Main & viva-voce examinations shall be specified in Schedule B of the Manipur Judicial Service Rules, 2005.

The following tabulator is used to convert the numerical marks into grades in a seven point scale with corresponding grade values as follows:

Percentage of marks	Grade	Grade Value
70% and above	0	7
65-69	A+	6
60-64	А	5
55-59	B+	4
50-54	В	3
45-49	C+	2
40-44	С	1
Below 40%	F	0

Table 158 – Scheme of Grades for Recruitment as Civil Judge in Manipur

In this manner, the result of the Main examination and viva voce will be indicating only the cumulative evaluation grade of the candidates which moderates the inevitable element of subjectivity in individual evaluation and brings in relative objectivity and fairness to much higher degree.

The final selection list will be readied by combining the Cumulative Grade value obtained in the Main Examination and viva voce examination.

Odisha

The main exam shall be on the following two compulsory papers and three optional papers. Each of the compulsory subjects carries 150 marks and the examination is for duration of two and half hours and each of the optional subjects carries 150 marks and the examination is for duration of three hours.

Table 159 - Scheme of Recruitment of Civil Judges in Odisha

Scheme of examination	Marks
Preliminary	One paper of 100 marks
Main	Two compulsory papers each 150 marks. 2 and half hrs duration and three optional papers 150 marks
Viva	100 marks

Main exam

Table 160 – Scheme of Main Examination for Recruitment as Civil Judge in Odisha

Compulsory papers	marks	Optional papers	marks
Paper I:	150	Law of Crime & Law of Torts	150
General English			
Paper II	150	Personal Law:	150
Procedural Laws			
		Law of Property:	150
		Law of contract :	150
		Jurisprudence and Constitution	150
		of India.	

Viva-voce:

Interview shall carry 100 marks. Questions to be asked in the interview may not ordinarily be outside the syllabus prescribed for the written examination. In the interview question

covering broad national and International issues and matters of common interest in the field of Arts and Science may also be asked.

West Bengal

The West Bengal Public Service commission conducts examination and forwards the list of qualified candidates in order of merit and such will be considered for appointment to available vacant posts according to rule 6(1)(a)

The selection process conducted by the commission as per syllabus available on their website as on 2017-

Exam	Marks
Preliminary exam	200
Final exam	1100
Personality test	100

Table 161 - Scheme of Recruitment of Civil Judges in West Bengal

Preliminary exam:

The preliminary exam is One paper of Objective type Multiple Choice Questions of 200 marks.

Table 162 – Scheme of Preliminary Examination for Recruitment as Civil Judge in West Bengal

Syllabus	Marks
English Composition	30
General Knowledge, Current Affairs and Test of Reasoning	40
Indian Constitution= 20 marks	20

Law of Contracts and Torts= 20 marks	20
Laws of Evidence= 20 marks	20
Law of Limitation= 20 marks	20
Criminal Procedure Code and Indian Penal Code	20
Personal Law	10
Civil Procedure Code	20

<u>Main exam</u>

The main exam consists of 8 compulsory papers and 3 optional papers from 8 papers of each 100 marks.

Table 163 – Scheme of Main Examination for Recruitment as Civil Judge in West Bengal

Compulsory papers	Optional papers
1. English Composition, Essay and	1. Hindu Law
Précis writing	2. Muhammadan Law
2. Bengali / Hindi / Urdu / Nepal	i 3. Jurisprudence and Principles of
Composition, Essay and	Legislation
Translation from English int	4 Indian Law relating to Companies and
Bengali / Hindi / Urdu / Nepali	Insurance
3. General Knowledge and Curren	t 5. Principles of Equity including the
Affairs	Law of Trusts and Specific Relief
4. Civil Procedure Code	6. Partnership Act
5. Criminal Procedure Code and	7. Law of Limitation and Law of
Indian Penal Code	Prescription

- 6. Indian Evidence Act
- 7. Law of Contracts and Torts
- 8. Transfer of Property Act

Karnataka

The recruitment to the post of Civil Judge (Junior Division) takes place through direct recruitment on the basis of aggregate marks obtained in the Competitive Examination conducted by the High Court.

8. The

Indian

Constitutional Law.

Constitution

and

The Competitive Examination consists of the following:

Table 164 - Scheme of Recruitment of Civil Judges in West Karnataka

Scheme of Recruitment	Marks allotted
Preliminary examination	100
Main Examination	400
Viva-Voce	100

1. The detailed syllabus for the Main examination is provided in Rule 5 II (1)(a) of the Karnataka Judicial Service (Recruitment) Rules, 2004.

Table 165 – Scheme of Main Examination for Recruitment as Civil Judge in Karnataka

Examination	Subject	Marks allotted
Main Examination	Translation Paper	100
	Law Paper I	100
	Law Paper II	100
	Law Paper III	100
	Total:	400

2. To be eligible for viva-voce a general candidate should obtain 40 marks in Main examination in each paper individually and a Scheduled Caste or Scheduled Tribe candidate must obtain a minimum of 30 marks in each paper of the Main examination.

From among the candidates who are eligible for viva-voce such number of candidates as is equal to 7 times the number of vacancies notified, selected in order of merit, shall be called for viva voce examination. The knowledge of computer/operation of laptop will be conducted at the time of viva voce for 25 marks.

Table 166 – Scheme of Viva for Recruitment as Civil Judge in Karnataka

Criteria	Marks allotted
Viva-Voce	100
Total:	100

A selected list of candidates in prepared in order of merit on the basis of the aggregate marks obtained in the Main examination & viva-voce test and published in the Official Gazette.

Tamil Nadu

The recruitment takes place through direct recruitment on the basis of a written examination and viva voce. No candidate who has secured less than the minimum marks specified for the written examination shall be eligible for viva-voce.

Table 167 - Scheme of Recruitment of Civil Judges in Tamil Nadu

Scheme of recruitment	Marks allotted
Written examination	400
Viva voce	60
Total	460

The competitive examination consists of the following-

Table 168 – Scheme of Main Examination for Recruitment as Civil Judge in Tamil Nadu

Written examination	Marks allotted
Translation paper	100 marks
Law paper I	100 marks
Law paper II	100 marks
Law paper III	100 marks
Total	400 marks

Table 169 – Parameters of Viva for Recruitment as Civil Judge in Tamil Nadu

Viva voce

The candidate's General Knowledge and Knowledge of law, grasp of Procedural Laws and Principles of Law and his suitability for appointment as Civil Judge shall be tested. The minimum marks for a pass in the viva-voce for all categories of candidates shall be 18

Chhattisgarh

The Service consists of Civil Judge and Senior Civil Judge. Direct recruitment is done for the post of Civil Judge at entry level only. Schedule I provide that such examination shall consist of:

- i. Preliminary examination
- ii. Final examination
- iii. Viva-voice

Table 170 - Scheme of Recruitment of Civil Judges in Chhattisgarh

Examination	Particulars
Preliminary	- 2 Hours
Examination	- Objective-type questions from various laws
	- Marks not specified in the Rules
Final	- 100 marks
Examination	- Meritorious candidates from prelims in 1:10
	ratio are eligible
	- Consists of framing issues, writing judgments
	and translation
Viva-Voice	- Meritorious candidates from mains in 1:10 ratio
	- Maximum 15 marks

Madhya Pradesh

The recruitment to the post of Civil Judge (Junior Division) takes place through direct recruitment on the basis of selection through Competitive Examination. The High Court prescribes the procedure and curriculum for holding examination for the selection of candidates.

The Competitive Examination for recruitment for the post of Civil Judge (Junior Division), which is conducted by the High Court, consists of the following:

Table 171 - Scheme of Recruitment of Civil Judges in Madhya Pradesh

Examination	Particulars
Main Examination	No particulars
Viva-Voce	No particulars

The detailed syllabus for the examination is notified by the High Court at the time of notification of vacancies.

917 |

Maharashtra

The recruitment to the post of Civil Judge (Junior Division) takes place through direct recruitment on the basis of aggregate marks obtained in the Competitive Examination.

For the purpose of short listing the candidates, the Recruiting Authority may, if necessary hold preliminary examination comprising of multiple choice objective type questions, which can be scrutinized by computers and call upon the candidates obtaining the cut-off marks, as may be fixed by the Recruiting Authority, to appear for final examination, maintaining the ratio of 1:10 of the available vacancies of the successful candidates.

Table 172 - Scheme of Recruitment of Civil Judges in Maharashtra

Scheme of Recruitment	Marks allotted
Preliminary Examination	No particulars
Main Examination	200
Viva-Voce	50

The Competitive Examination consists of a Main exam & viva-voce in the following manner:

Table 173- Scheme of Main Examination for Recruitment as Civil Judge inMaharashtra

Scheme of Recruitment	Subject	Marks allotted
Main Examination	Civil Law	100
	Criminal Law	100
	Total:	200

The medium of Main exam can be Marathi or English.

A candidate should obtain 50 marks in Main examination in each paper to be eligible for viva-voce and candidate belonging to the backward communities must obtain a minimum of 45% marks in each paper of the Main examination to be eligible for viva-voce.

Scheme of Recruitment	Marks Allotted
Viva-voce	50
Total:	50

Table 174 – Scheme of Viva for Recruitment as Civil Judge in Maharashtra

A selected list of candidates is prepared in order of merit on the basis of the aggregate marks obtained in the Main examination & viva-voce and published in the Official Gazette.

Gujarat

The competitive exam for direct recruitment to the cadre of both district judge and civil judge (junior division) are:

Table 175 - Scheme of Recruitment of Civil Judges in Gujarat

Examination	Marks allotted
Written examination	200 marks
Viva voce	50 marks
Total	250 marks

A candidate has to secure 50% or more in the written examination to be eligible for viva (45% for SC/ST) and the minimum qualifying marks in viva is 40%.

New Delhi

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. Selection committee shall call for viva-voce only such candidates qualified at written test Syllabus for the examination:

Exam	Features/subjects	Marks
Preliminary exam	 Objective type 25% negative marking 60% qualifying marks for general category 55% for SC/ST/Physically handicapped 	200 marks
Main exam	 GK and language Civil law I Civil Law II Criminal Law 	 250 marks 200 marks 200 marks 200 marks 200 marks
Viva-voce		150 marks Total- 1200 marks

Table 176 – Scheme of Preliminary Examination, Main Examination and Viva forRecruitment as Civil Judge in Guajrat

Uttar Pradesh

The recruitment to the post of Civil Judge (Junior Division) takes place through direct recruitment on the basis of Competitive Examination as per Rule 7 of the Uttar Pradesh Judicial Service Rules, 2001. The detailed syllabus of the Competitive Examination is prescribed in Appendix II of the Uttar Pradesh Judicial Service Rules, 2001.

Table 177 - Scheme of Recruitment of Civil Judges in Uttar Pradesh

Scheme of Recruitment	Marks allotted
Main Examination	1000
Viva-Voce	100

The Competitive Examination for recruitment for the post of Civil Judge (Junior Division) consists of the following:

Examination	Subjects	Marks Allotted
	General Knowledge	200
	Language	200
Main Examination	Law I-Substantive Law	200
	Law II-Procedure & Evidence	200
	Law III-Penal, Revenue &	200
	Local Laws	
Viva-Voce		100
	Total:	1100

 Table 178 – Scheme of Main Examination and Viva in Uttar Pradesh

The suitability of the candidate for employment in the Uttar Pradesh Judicial Service is tested with reference to his merit giving due regard to the following:

Table 179 – Other Criteria for Recruitment as Civil Judge in Uttar Pradesh

Other criteria	
Ability	
Character	
Personality	
Physique	

B. District judges

Direct recruitment is one of the modes of getting recruited as district judges. The other modes are through regular promotion and accelerated promotion from the cadre of senior civil judge. When the candidate posses the eligibility conditions as prescribed in the Rules, they may appear for the written examination which is followed by a viva voce. Based on their performance in the written examination and the viva voce, they may be recruited to the post of district judges.

i. Eligibility conditions

It may be noted that we have focused only on such conditions of eligibility which have been expressly mentioned in the official rules or policies available with us.

The following are the common eligibility conditions which are expressly laid down in the respective Rules:

- 1. Minimum years of practice
- 2. Academic qualification
- 3. Nationality
- 4. Age
- 5. Prohibition of bigamy
- 6. Good character
- 7. No expulsion or dismissal from service
- 8. No conviction on any offence involving
- 9. No involvement in unfair practice
- 10. Good health

Other criteria includes that the candidate should not have involved in professional misconduct (Chhattisgarh), there should not be any disciplinary action by the Bar Council of India or other statutory authority (Karnataka), the candidate should be proficient in the local language (Maharashtra and Uttar Pradesh), the candidate should not have more than two children (Maharashtra).

Minimum years of practice

The minimum number of years of practice, that is, seven years, as an advocate is prescribed as an eligibility condition in all states. In Gujarat, however, the minimum number of years of practice as an advocate is five years.

Academic qualification

States like Assam, Gujarat, Karnataka, Maharashtra, Manipur, Odisha, Tamil Nadu expressly prescribe this an eligibility condition. We have already discussed this eligibility condition in the direct recruitment of civil judges (junior division) section.

Nationality

States like Assam, Manipur, Odisha, Chhattisgarh, New Delhi, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Uttar Pradesh, West Bengal have this as an eligibility condition. We have already discussed this eligibility condition in the direct recruitment of civil judges (junior division) section.

Age

Some states prescribe a minimum age and a maximum age to be eligible to be recruited as a district judge. Usually in such states, the candidates should not be less than 35 and should not be more than 45. In Tamil Nadu and Karnataka, there is no minimum age requirement; however, the candidates should not be more than 45 years of age. In Gujarat, there is no maximum age prescribed as an eligibility condition.

Prohibition of bigamy

States like Assam, Odisha, Chhattisgarh, New Delhi, Gujarat, Karnataka, Maharashtra, Manipur, Uttar Pradesh prescribe this as an eligibility condition. We have already discussed this eligibility condition in the direct recruitment of civil judges (junior division) section.

Good character

States like Assam, Chhattisgarh, Gujarat, Karnataka, Maharashtra, Manipur, Uttar Pradesh prescribe this as an eligibility condition. We have already discussed this eligibility condition in the direct recruitment of civil judges (junior division) section.

No expulsion or dismissal from service

States like Assam, Odisha, Chhattisgarh, Karnataka, Gujarat, Maharashtra, Manipur and Uttar Pradesh have this as an eligibility condition. We have already discussed this eligibility condition in the direct recruitment of civil judges (junior division) section.

No conviction for any offence involving moral turpitude

States like Assam, Odisha, Chhattisgarh, Gujarat, Karnataka, Maharashtra and Manipur have this as an eligibility condition. We have already discussed this eligibility condition in the direct recruitment of civil judges (junior division) section.

No involvement in unfair practices

States like Assam, Odisha, Gujarat, Karnataka, Maharashtra and Manipur have this as an eligibility condition. We have already discussed this eligibility condition in the direct recruitment of civil judges (junior division) section.

Good health

States like Assam, Chhattisgarh, Karnataka, Maharashtra, Madhya Pradesh, Manipur, Uttar Pradesh, West Bengal have this as an eligibility condition. We have already discussed this eligibility condition in the direct recruitment of civil judges (junior division) section.

Language

Only Maharashtra, Odisha and Uttar Pradesh have this as an eligibility condition. However, in some states, like Chhattisgarh, Uttar Pradesh, Maharashtra and West Bengal, there are translation papers which test the knowledge of language of the candidates. In Assam, the language proficiency is tested for 10 marks.

Below are the eligibility conditions for direct recruitment to the post of district judges in different states:

Assam

Table 180 – Eligibility Conditions for Recruitment as District Judge in Assam

Eligibility	Particulars
Years of Practice	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 7 years as on the date.
Academic Qualification	Must be a holder of a degree in Law of a recognized University.
Nationality	Must be a citizen of India
Age	Lower limit: 35 years; Upper Limit: 45 years.
Bigamy	A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to any posts in the service.

Character	Good character and is suitable in the opinion of the appointing authority in all respects for appointment to the service.
Dismissal or Expulsion from Service	The candidate must not have been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it
Conviction	Must not be convicted of an offence involving moral turpitude.
Unfair Practices	He directly or indirectly influences the recruiting authority by any means for his candidature.
Health	Certified by the medical authority to be Medically fit to discharge the duties of the post for which he is selected for appointment.

Manipur

Table 181 – Eligibility Conditions for Recruitment as District Judge in Manipur

Eligibility	Particulars
Years of Practice	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 7 years as on the date.
Academic Qualification	Must be a holder of a degree in Law of a recognized University.
Nationality	Must be a citizen of India
Age	Lower limit: 35 years; Upper Limit: 45 years.
Bigamy	A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to any posts in the service.
Character	Good character and is suitable in the opinion of the appointing authority in all respects for appointment to the service.

Dismissal or	The candidate must not have been permanently debarred or disqualified by	
Expulsion	the High Court or the Union Public Service Commission or any State	
from Service	Public Service Commission from appearing for examinations or selections	
	conducted by it	
Conviction	Must not be convicted of an offence involving moral turpitude.	
Unfair	He directly or indirectly influences the recruiting authority by any means	
Practices	for his candidature.	
Health	Certified by the medical authority to be Medically fit to discharge the	
	duties of the post for which he is selected for appointment.	

Odisha

Table 182 – Eligibility Conditions for Recruitment as District Judge in Odisha

Eligibility	Particulars
Academic Qualification	graduate in Law of a recognized University or an institution recognized by the Government
Years of practice	be having at least seven years of practices as an advocate on the 1st day of August of the year in which the advertisement for receipt of application is published
Age	not be below thirty-five years of age and above forty-five years of age on the 1st day of August of the year in which the advertisement for receipt of application is published
Nationality	He or she should be a citizen of India
No offence involving moral turpitude	He or she should not have been convicted of an offence involving moral turpitude
No dismissal from service	He or she should not have been dismissed from service by any High Court or government or statutory or local authority or should not have been permanently debarred or disqualified by

	the High Court or UPSC or any state public service commission.	
Prohibition of bigamy	If he is a man and has more than one wife living and if a woman has more has one husband or has married a man who has already another wife living	
Language	able to speak, read and write Oriya fluently and must have passed an examination in Oriya Language equivalent to that of Middle English School standard	
No unfair practice	He or she should not directly influence the recruiting authority by any means for his or her candidature.	

West Bengal

Table 183 – Eligibility Conditions for Recruitment as District Judge in West Bengal

Eligibility	Particulars
Nationality	Citizen of India
Age	Attained the age of 35 years and has not attained the age of 45 years on the first day of January of the year in which the applications for recruitment are invited;
Character	he has good character and is of sound health and free from any bodily defect which renders him unfit for such appointment.
Relaxation of age	3 years on upper age for the candidates belonging to the Scheduled Castes and Scheduled Tribes
Minimum years of practice	7 years as an advocate

Karnataka

Table 184 – Eligibility Conditions for Recruitment as District Judge in Karnataka

Eligibility	Particulars
Academic Qualifications	Must be a holder of a degree in law granted by a university established by law in India.
Years of Practice	Must have practiced as an Advocate in the High Court or in a subordinate Court for a period of not less than seven years for not less than 7 years
Nationality	Must be a citizen of India
Age	Upper Limit: 45 years.
Dismissal or Expulsion from Service	A candidate is not eligible to recruitment if he is dismissed or removed from service or compulsorily retired by any High Court, Government or Statutory or local authority or other employer
Conviction	Must not have been convicted of an offence involving moral turpitude or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission from appearing for examinations or selections conducted by it or has been removed from its roll by any Bar Council.
Disciplinary Action	Disqualified if any penalty or punishment has been imposed by the Bar Council or any disciplinary authority which makes the applicant unsuitable for a judicial post.
Unfair Practices	The candidate shall be disqualified if he directly or indirectly influences the recruiting authority for his candidature.
Bigamy	The marital status should not be bigamous
Character	Must be of good character
Health	Should be medically fit to discharge the duties of the post for which he is appointed.

Tamil Nadu

Table 185 – Eligibility Conditions for Recruitment as District Judge in Tamil Nadu

Eligibility	Particulars
Years of Practice	Currently practicing on the day of notification and must have practiced as an advocate for not less than 7 years
Age	Must be less than 48 years in case of SC/ST and less than 45 years in case of others
Academic	Must possess a Degree in Law of a University in India established or
Qualifications	incorporate by or under a Central Act or a state Act or an institution recognized by the University Grants Commission, or any other equivalent qualification and got enrolled in the Bar Council of Tamil Nadu; and in the case of candidates enrolled in the Bar Councils of other States, they should submit proof of transfer of their enrollment to the Bar Council of Tamil Nadu.

Chhattisgarh

Table 186 – Eligibility Conditions for Recruitment as District Judge in Chhattisgarh

Eligibility	Particular
Nationality	Citizen of India
Age	Lower cap 35yrs. Upper cap: 45 yrs as on 1 st January of the following year.
Age relaxation	A cap of 45y years which can be relaxed up to maximum limit of 3 yrs for SC, ST and OBC
Character	Good character
Health	Sound health and mind and free from any disability rendering him unfit for such appointment.
Years of practice	Advocate for at least 7 years

Bigamy	Not eligible if more than one spouse living		
Dismissal/remo val from service	Not eligible if removed by High court, statutory/local authority or Permanently debarred by High court/UPSC/SPSC/SSC		
Misconduct	Not eligible if guilty of professional misconduct		
Conviction	Not eligible if Convicted of an offence involving moral turpitude		

Madhya Pradesh

Table 187 – Eligibility Conditions for Recruitment as District Judge in Madhya Pradesh

Eligibility	Particulars
Years of Practice	Must have practiced as an Advocate or pleader for not less than 7 years
Nationality	Citizen of India
Age	Lower limit: 35 years; Upper Limit: 48 years.
Character	Good character
Health	No person shall be eligible to be appointed to the service unless he is in of sound health and free from any bodily defect which renders him unfit for appointment.

Maharashtra

Table 188– Eligibility Conditions for Recruitment as District Judge in Maharashtra

Eligibility		Particulars
Years	of	Must be practicing as an advocate in the High Court or Courts subordinate
Practice		thereto for a period of not less than 7 years on the date of publication of
		advertisement Or Must be working or must have worked as Public
		Prosecutor or Government Advocate for not less than 7 years in the post or
		posts.

Academic Qualification	Must be a holder of a degree in Law	
Nationality	Must be a citizen of India	
Age	Lower limit: 35 years; Upper Limit: 45 years.	
Language	Must be certified by the Principal Judge of the District, where the candidate practices, or within whose jurisdiction he ordinarily resides, to have sufficient knowledge of Marathi to enable him to speak, read, write & translate from Marathi to English & vice-versa.	
Bigamy	A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to any posts in the service.	
Number of Children	The candidate will not be eligible if s/he has more than two children	
Character	Good character and is suitable in the opinion of the Appointing Authority in all respects for appointment to the service.	
Dismissal or Expulsion from Service	The candidate must not have been permanently debarred or disqualified by the High Court or the Union Public Service Commission from appearing for examinations or selections conducted by it	
Conviction	Must not be convicted of an offence involving moral turpitude.	
Unfair Practices	He directly or indirectly influences the recruiting authority for his candidature.	
Health	Certified by the medical authority to be Medically fit to discharge the duties of the post for which he is selected.	

Gujarat

Table 189 – Eligibility Conditions for Recruitment as District Judge in Gujarat

Eligibility	Particulars	
Academic qualification	Law degree from university established by law in India	
Years of practice	Not less than 5 years as an advocate in courts of civil and criminal jurisdictions	
Age	Must not have attained 35 years (in case of others) and 38yrs (in case of SC/ST, OBC)	
Nationality	Citizen of India	
Dismissal or expulsion from service	Persons Dismissed from service by central/state Government or U.Ts or any High Court or statutory/local authority or Permanently debarred by the High court or UPSC/SPSC etc shall not be eligible for recruitment	
Conviction	Not eligible if Convicted of an offence involving moral turpitude	
Unfair means	If a person directly or indirectly influences the recruiting authority by any means for his candidature, not eligible for recruitment	
Bigamy	If a man, has more than one wife living and if woman, has married a man already having another wife, not eligible	

New Delhi

Table 190 – Eligibility Conditions for Recruitment as District Judge in New Delhi

Eligibility	Particulars		
Nationality	Citizen of India		
Years of practice	7 yrs as an advocate		
Bigamy	No person having more than one wife is eligible (Administrator may exempt if satisfied on existence of special grounds) and no woman who is married to any person who has a wife living shall be eligible (Administrator may exempt if satisfied on existence of special grounds)		
Age	Attained 35yrs and not attained 45yrs on the day when applications invited for appointment.		

Uttar Pradesh

Table 191 – Eligibility Conditions for Recruitment as District Judge in Uttar Pradesh

Eligibility	Particulars
Years of Practice	Must have practiced as an Advocate for not less than 7 years
Nationality	 (a) A citizen of India or (b) a subject of Sikkim, or (c) a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India, or (d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon or any of the East African countries of Kenya, Uganda, and the

	United Republic of Tanzania (formerly Tanganayika and Zanzibar) with the intention of permanently settling in India;	
Age	Lower limit: 35 years; Upper Limit: 45 years.	
Language	Must possess knowledge of Hindi in Devanagri script	
Bigamy	A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to any posts in the service.	
Character	Character of a candidate must be such as to render him suitable in the opinion of the Governor in all respects for appointment to the service.	
Dismissal or Expulsion from Service	Persons dismissed by the Union Government or by a State Government or by a Corporation owned or controlled by the Union or State Government shall not be eligible for recruitment.	
Health	No person shall be appointed to the service unless he is in good mental and bodily health, free from any physical defect likely to interfere with the efficient performance of his duties as a member of the service.	

ii. Method of Recruitment

The direct recruitment to the post of district judges is usually through written examination and viva voce. Only Uttar Pradesh conducts a preliminary examination in addition to the main examination and viva voce. In Maharashtra, if it may deem necessary for the recruiting authority, it may hold a preliminary examination.

The following table shows the method of recruitment in different states in India:

Table 192 – Comparative Overview of Scheme of Recruitment for District Judges

States	Preliminary examination	Main examination	Viva voce
Assam	NA	300	50
Manipur	NA	300	50

Odisha	NA	200	30
West Bengal	NA	•	As decided by the High Court from time to time
Karnataka	NA	300	100
Tamil Nadu	NA	75	25
Chhattisgarh	NA	200	20
Madhya Pradesh	NA	•	As decided by the High Court from time to time
Maharashtra	the Recruiting Authority may, if necessary hold preliminary examination	800	100
Gujarat	NA	200	50
New Delhi	NA	750	250
Uttar Pradesh	100	800	100

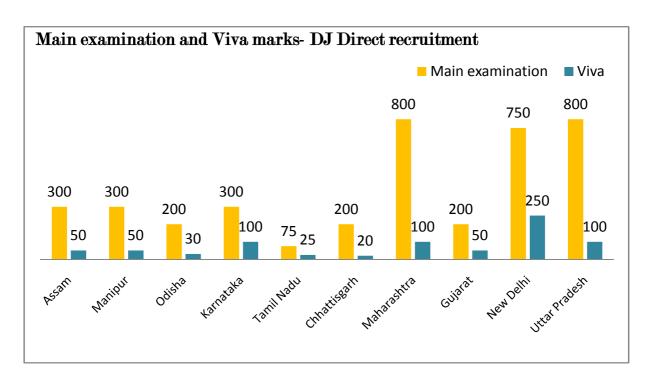


Figure 79 Scheme of Main Examination and Viva for Direct Recruitment as District Judge

Below is the method of recruitment to the post of district judge in each states:

Assam

For the purpose of recruitment to the cadre of District Judge the selection is done on the basis of a Competitive Examination consisting of a main examination and viva-voce to be held at such intervals by the High Court from time to time as determined.

Table 193 – Scheme of Recruitment of District Judges in Assam

Scheme of Recruitment	Marks allotted
Main Examination	300
Viva-Voce	50

1. The Main Examination shall consist of the following:

Table 194 – Scheme of Main Examination and Viva for Recruitment as District Judge in Assam

Direct Recruitment	Subject	Marks allotted
Main Examination	Paper I	100
	Paper II	100
	Paper III	100
	Total:	300
Viva		50

A detailed syllabus for the Main Examination is prescribed in the Clause A (1) of Schedule B of the Assam Judicial Service Rules, 2005.

 A candidate should obtain 60% marks or corresponding grade in Main examination to be eligible for viva-voce and candidate belonging to the Scheduled Caste/Scheduled Tribe must obtain a minimum of 50% marks in the Main examination to be eligible for viva-voce.

The object of Viva-voce examination is to assess the suitability of the candidate for the cadre by judging the following:

Table 195 – Parameters of Viva for Recruitment as District Judge in Assam

Viva-voce		
Mental alertness		
Knowledge of law		
Clear and logical exposition		
Balance of judgment		
Skills		
Attitude		

Ethics	
Power of assimilation	
Power of communication	
Character	
Intellectual depth, etc.	

Selection of candidates shall be based on cumulative grade value obtained in Main and viva voce. The mode of evaluating the performance of Grading in the Main & viva-voce examinations shall be specified in Schedule B of the Assam Judicial Service Rules, 2005. The following tabulator is used to convert the numerical marks into grades in a seven point scale with corresponding grade values as follows:

Percentage of marks	Grade	Grade Value
70% and above	0	7
65-69	A+	6
60-64	А	5
55-59	B+	4
50-54	В	3
45-49	C+	2

Table 196- System of Grades for Recruitment as District Judge in Assam

С

F

40-44

Below 40%

In this manner, the result of the Main examination and viva voce will be indicating only the cumulative evaluation grade of the candidates which moderates the inevitable element of subjectivity in individual evaluation and brings in relative objectivity and fairness to much higher degree.

1

3. The final selection list will be readied by combining the Cumulative Grade value obtained in the Main Examination and viva voce examination.

Manipur

For the purpose of recruitment to the cadre of District Judge the selection is done on the basis of a Competitive Examination consisting of a Main examination viva-voce to be held at such intervals by the High Court from time to time as determined.

Table 197 - Scheme of Recruitment of District Judges in Manipur

Scheme of Recruitment	Marks allotted
Main Examination	300
Viva-Voce	50

1. The Main Examination shall consist of the following:

Table 198 – Scheme of Main Examination and Viva for Recruitment as District Judge in Manipur

Direct Recruitment	Subject	Marks allotted
Main Examination	Paper I	100
	Paper II	100
	Paper III	100
	Total:	300
Viva	50	50

A detailed syllabus for the Main Examination is prescribed in the Clause A (1) of Schedule B of the Manipur Judicial Service Rules, 2005.

 A candidate should obtain 60% marks or corresponding grade in Main examination to be eligible for viva-voce and candidate belonging to the Scheduled Caste/Scheduled Tribe must obtain a minimum of 50% marks in the Main examination to be eligible for viva-voce. The object of Viva-voce examination is to assess the suitability of the candidate for the cadre by judging the following:

Other criteria		
Mental alertness		
Knowledge of law		
Clear and logical exposition		
Balance of judgment		
Skills		
Attitude		
Ethics		
Power of assimilation		
Power of communication		
Character		
Intellectual depth, etc.		

Table 199 – Parameters of Viva for Recruitment as District Judge in Manipur

Selection of candidates shall be based on cumulative grade value obtained in Main and viva voce. The mode of evaluating the performance of Grading in the Main & viva-voce examinations shall be specified in Schedule B of the Manipur Judicial Service Rules, 2005. The following tabulator is used to convert the numerical marks into grades in a seven point scale with corresponding grade values as follows:

Table 200 – Grading System for Recruitment as District Judge in Manipur

Percentage of marks	Grade	Grade Value
70% and above	0	7
65-69	A+	6

60-64	А	5	
55-59	B+	4	
50-54	В	3	
45-49	C+	2	
40-44	С	1	
Below 40%	F	0	

In this manner, the result of the Main examination and viva voce will be indicating only the cumulative evaluation grade of the candidates which moderates the inevitable element of subjectivity in individual evaluation and brings in relative objectivity and fairness to much higher degree.

3. The final selection list will be readied by combining the Cumulative Grade value obtained in the Main Examination and viva voce examination.

Odisha

The syllabus of the main examination is provided in Appendix B of the Rules-

Table 201 - Scheme of Recruitment of District Judges in Odisha

Scheme of recruitment	Marks allotted
Main exam	200
Viva-voce	30

Main exam: The written examination shall be on the following two papers each carrying 100 marks with a duration of 2 hours for each paper:

Paper	Marks allotted
Paper I	100 marks
Paper II	100 marks
Total	200 marks

Viva-voce: Interview shall carry 30 marks. Candidates shall be called for interview in the proportion of 1:10 provided that such candidates have obtained at least 50% of marks in each of the written papers. The final merit list shall be prepared on the basis of the marks obtained in the written tests and interview; Provided that a candidate shall not be included in the merit list unless he secures at least 50% of marks in each of the written papers and a minimum of 40% of marks in interview.

West Bengal

The selection by way of direct recruitment shall be made by the High Court by way of conducting a written examination and viva voce subject to such guidelines as may be specified by the High Court from time to time.

Karnataka

The appointment to the cadre of District Judge takes place through Competitive Examination which consists of the following:

Table 203 - Scheme of Recruitment of District Judges in Karnataka

Scheme of Recruitment	Marks allotted
Main Examination	300
Viva-Voce	100

 A candidate should obtain 50% marks in Main examination to be eligible for viva-voce and a Scheduled Caste or Scheduled Tribe candidate must obtain a minimum of 45% marks in the Main examination.

Table 204 – Scheme of Main Examination and Viva for Recruitment as District Judge in Karnataka

Direct Recruitment	Subject	Marks allotted
Main Examination	Civil Law	150
	Criminal Law	150
Viva-Voce		100
	Total:	400

2. Selection of candidates is made in order of merit on the basis of aggregate marks obtained in the Main examination & viva-voce test.

Tamil Nadu

The selection shall be made based on the results of written examination and viva voce i.e, the selection will be made on the basis of the total marks obtained by the candidates in the written examination and viva voce taken together subject to the rule of reservation of appointment.

Table 205 - Scheme of Recruitment of District Judges in Tamil Nadu

Scheme of Recruitment	Marks allotted	
Written exam	Maximum marks 75%	
Viva-voce	Maximum marks 25%	

Chhattisgarh

The procedure for direct recruitment to the post of district judge will be prescribed by the High Court. The direct recruitment will be based on main examination and viva voce and the details of the same are provided in Schedule III of the Rules. The zone of consideration is 1:3.

Table 206 - Scheme of Recruitment of District Judges in Chhattisgarh

Exam	Marks allotted
Main exam	200 marks
Viva	20 marks

Madhya Pradesh

The appointment to the cadre of District Judge takes place through written examination which consists of the following:

Table 207 - Scheme of Recruitment of District Judges in Madhya Pradesh

Examination	Marks allotted
Main Examination	No particulars
Viva-Voce	No particulars

The detailed syllabus for the examination is notified by the High Court at the time of notification of vacancies.

Maharashtra

For the purpose of recruitment to the cadre of District Judge, the selection is done on the basis of a Main examination & viva-voce. The medium of Main examination for the post of District Judge shall be English.

For the purpose of short listing the candidates, the Recruiting Authority may, if necessary hold preliminary Main examination comprising of multiple choice objective type questions, which can be scrutinized by computers and call upon the candidates obtaining the cut-off

marks, as may be fixed by the Recruiting Authority, to appear for final examination, maintaining the ratio of 1:10 of the available vacancies of the successful candidates.

Table 208 - Scheme of Recruitment of District Judges in Maharashtra

Scheme of Recruitment	Marks allotted
Preliminary Examination	If the recruiting authority prefers, it may hold a preliminary examination.
Main Examination	200
Viva-Voce	100

The Main Examination shall consist of the following:

Table 209 – Scheme of Main Examination for Recruitment as District Judge inMaharashtra

Direct Recruitment	Subject	Marks allotted
Main Examination	Paper I	100
	Paper II	100
	Total:	200
Viva		50

A candidate should obtain 50% marks in Main examination in each paper to be eligible for viva-voce and candidate belonging to the backward communities must obtain a minimum of 45% marks in each paper of the Main examination to be eligible for viva-voce.

The object of Viva-voce examination under the Maharashtra Judicial Service Rules, 2008 is to assess the suitability of the candidate for the cadre by judging the following:

Table 210 – Parameters of Viva for Recruitment as District Judge in Maharashtra

Other criteria

Mental alertness

Knowledge of law		
Clear and logical exposition		
Balance of judgment		
Skills		
Attitude		
Ethics		
Power of assimilation		
Power of communication		
Character		
Intellectual depth, etc.		

The mode of evaluating the performance shall be specified in numerical marks obtained in Main& viva-voce examinations. On the basis of cumulative marks secured by a candidate a list in order of merit is prepared.

The scheme of examination of the candidates including Main& viva-voce shall be framed by the High Court in consultation with the Commission.

Gujarat

The scheme of competitive exam for direct recruitment to the cadre of district judge is as follows;

Table 211 - Scheme of Recruitment of District Judges in Gujarat

Examination	Marks allotted
Written examination	200 marks
Viva voce	50 marks
Total	250 marks

A candidate has to secure 50% or more in the written examination to be eligible for viva (45% for SC/ST) and the minimum qualifying marks in viva is 40%.

New Delhi

The High court should invite applications by advertisement.

Table 212 - Scheme of Recruitment of District Judges in New Delhi

Exam	Marks
Main exam	750
Viva-voce	250
Total	1000

The candidates are eligible to appear in viva voce only if they secure a minimum of 50% in the written examination (45% in case of reserved category) and the candidates have to secure a minimum of 50% (45% in case of reserved category) in viva voce to be eligible for appointment.

Uttar Pradesh

Direct Recruitment is carried out by selection through merit on the basis of a Competitive Examination. A preliminary examination is held for judging the suitability of the candidates. After qualifying the preliminary examination the other stages that a candidate has to clear consist of a Main Examination and a viva voce.

Table 213 –	Scheme of	of Recruitmer	t as Distric	t Judges in	Uttar Pradesh
-------------	-----------	---------------	--------------	-------------	---------------

Scheme of Recruitment	Marks allotted
Preliminary Examination	100
Main Examination	800
Viva-Voce	100

 The preliminary examination shall consist of one paper consisting of 100 marks of two hours duration from the syllabus prescribed for the written examination in Appendix 'G' of the Rules:

Subjects in preliminary examination	Marks allotted
Paper I	100
Total:	100

Table 214 – Scheme of Preliminary Examination for Recruitment as District Judge inUttar Pradesh

2. The candidates who qualify¹ the Preliminary Examination have to appear in a Written Examination. The detailed syllabus for the same is prescribed in Appendix 'G' of the Uttar Pradesh Higher Judicial Service Rules, 1975.

Table 215 – Scheme of Main Examination for Recruitment as District Judge in Uttar Pradesh

Subjects in Main examination	Marks allotted
General Knowledge	100
Procedure & Evidence	100
Law I- Substantive Law	200
Law II-Procedure & Evidence	200
Law III-Penal, Revenue & Local Laws	200
Total:	800
Viva	100

3. The candidates securing minimum aggregate 45% marks in the written examination shall be called to appear in the Viva-voce subject to maximum thrice the number of vacancies category-wise.

¹A candidate shall be treated to be eligible for the Main (written) examination if s/he secures a minimum 45% marks in the preliminary examination, subject to 20 times of the number of vacancies category-wise i.e. General, Scheduled Castes, Scheduled Tribes and Other Backward Classes. See Rule 18(1A) of the Uttar Pradesh Higher Judicial Service Rules, 1975.

4. In assessing the merits of a candidate the Selection Committee shall have due regard to the candidate's:

Table 216 – Other Criteria for Recruitment as District Judge in Uttar Pradesh

Other Criteria	
Professional Ability	
Character	
Personality	
Health.	

The candidates securing minimum 40% marks in the Viva-voce shall only be eligible to be included in the select list. The marks obtained in the Viva-voce will be added to the marks obtained in the written papers and the candidate's place in the select list will depend on the aggregate of both.

5. The Selection Committee makes a preliminary selection and submits the record of all Candidates to the Chief Justice and recommends the names of the Candidates in order of merit. The Court examines the recommendations of the Committee and having regard to the number of direct recruits to be taken, prepares a list of selected candidates in order of merit.

Conclusion and Recommendations

The degree and depth of variance in different states concerning norms of disposal, mechanism of ACR and schemes of promotion exist at numerous levels. While these differences do exist as a matter of reality, there are no compelling reasons for many of those differences to remain. Differences which are inevitable due to the peculiarity of circumstances prevailing in the different States can be the exceptions to the general rule of uniform principles.

Many of the disparities found in the policies of different states are not because of inevitable necessities. Much of the differences exist because of isolated development of policies without adequate comparative assessment of methodologies and approaches. This fact is most evident when one takes into account the number of cases which have been expressly attributed quantitative weightage under the policies of different states. The great deal of variance in the incorporation of such entries especially when they relate to laws made by the Parliament and not individual state legislatures suggests an absence of comparative perusal. While the list of entries in some states is minimal, the list of entries in other states is much more detailed and elaborate.

While some aspects of the regulations are definitely not amenable to uniformity across the states, the same is not simply possible, but desirable in many other aspects. Policies regarding proportionality of civil and criminal cases to be disposed of by judicial officers in their overall disposal are best decided keeping in mind the pendency issue in individual states. Similarly, the policies regarding incentive weightage to promote disposals of certain categories of cases are also best decided by keeping in mind the litigation and pendency statistics in a state. However, it would be difficult to argue that the same category of case should carry different quantitative weightage in different states. It would also be difficult to accept that barring issues of lack of pendency, the expected quantitative output of judges should differ substantially from state to state. It would be unfair if a similar rating can be earned by a judicial officer by doing significantly less than it takes a judicial officer in another state to earn a similar rating. It is also not unreasonable to hope that it is possible to have objective assessment methodologies in relation to different criteria of promotion across the states. While evaluation of judgements as a criterion of promotion in one state is

happening in a structured manner, it is not fair if the same is happening in another state under non-institutionalised and ad hoc parameters. Similarly, it is unfair when workload of judicial officers is proportionately reduced in one state on account of any leave availed by them; the judicial officers in another state do not get any such concession. It is also quite feasible to have a common and integrated strategy for promoting disposal of old cases. While additional weightage is awarded in some states only for disposal of cases which are 7 years old, in some other states different degrees of additional weightage are awarded for a range of old cases from 1 year old to 10 years old.

It would be quite possible to develop uniform principles in relation to many matters pertaining to the performance appraisal and schemes of promotion of judicial officers in different states. For example, it would be difficult to dispute in all the states, ratings on the basis of annual assessment of performance should be awarded on the basis of pre-determined quantitative yardsticks. It would not be unreasonable to expect that there should be predetermined assessment methodologies in relation to range of issues on which the performance of a judicial officer is evaluated.

After examining the official policies of all the identified states for the purposes of this research, it is submitted that it would be extremely feasible to develop common principles and policies in the following aspects of performance appraisal and promotion schemes;

Structuring of Norms of Disposal

It is possible to develop a common set of entries structured in a conceptual manner (civil, criminal etc) which can be used by all the states. At the same time, there can be a list of entries specific to each state depending on the special or local laws applicable in such states. There is no reason why Sessions Trial would be further divided into further categories with different quantitative weightage in some states while all such sub-categories would be subsumed under one heading and given the same quantitative weightage in another state. It would be quite possible to prepare a list of entries with quantitative weightage based on laws commonly applicable in all the states carrying. There is no legitimate reason why a maintenance petition in one state should carry a different quantitative weightage than another state as the nature of the litigation is same.

Quantitative Benchmarks and Ratings Scale

Currently, different states adopt different quantitative benchmarks in relation and different ratings scale with a variety of nomenclature. For example, even in states which have a 4 point rating scale, the corresponding entry of 'Good' in one state is 'Average' in another. The ranges in which quantitative benchmarks are express also vary. While in one State it would take 1600 units in a year to earn the highest possible rating, it would take 1200 in another. These differences are primarily based on the fact that the scale at which entries are given quantitative weightage differs from state to state. The number of units allotted to a case of culpable homicide ranges from 1 to 8. With the same scheme of quantitative weightage for entries in all the states, the prescription of quantitative benchmarks can also be equalised across the states. It should also be feasible to determine a common rating scale which would be applicable in all the states.

Policy Regarding Administrative Responsibilities

Currently, the states are dealing with the issue of adjusting administrative responsibilities in the quantitative output of judicial officers in a variety of ways. It is quite feasible to develop a common approach in this respect of attaching a certain weightage to administrative positions. While there can be differences as regards the extent of weightage which is attached to different administrative positions depending on the nature of position and the quantum of work, there can be a uniform approach in the methodology of dealing with this issue. Identifying individual administrative responsibilities (inspection of courts etc) and granting quantitative weightage for such specific responsibilities may not be a pragmatic idea.

Policy Regarding Non-Decisional Judicial Work

The duties of judicial officers, apart from rendering judgements, comprise of many other judicial functions. To confine the quantitative assessment of the work done by a judicial officer to only cases disposed of by him would not be reflective of reality. Thus, other judicial functions in the nature of examination of witnesses, recording statements, conducting test identification parade etc. should be given quantitative weightage. It is quite feasible to conceptualise the range of such judicial functions which would be mostly common across different states.

Policy Regarding Disposal of Old Cases

In this respect as well, it is possible to adopt a methodological uniformity. It is possible to identify the range of old cases (3 years old, 5 years old, 7 years old etc) for which additional weightage may be granted. It may also be mandated that a certain percentage of the overall disposal of cases by a judicial officer must consist of oldest cases pending in the docket of a judicial officer.

Policy Regarding Concession for Leave Availed

While workload of judicial officers in some states is reduced for every leave availed by them, there exists no express concession of such nature. A balanced approach in this respect can be developed so as to ensure that the requirement of ensuring a healthy rate of disposal does not result in a stressful work environment for judicial officers. Thus, leave taken in relation to certain matters may be adjusted in calculation of the quantitative workload of judicial officers and not all.

Policy Regarding Concession to Newly Recruited Officers

While the duration for which concession may be granted and the extent of such concession may depend on the differences in the training period and probation period in different states, there can be uniformity of approach in relation to institutionally recognise certain relaxation for newly recruited judicial officers in terms of the quantitative benchmarks applicable to them.

Policy on Contents of ACR Proforma

While there already exist great degrees of similarities on the category of questions which are addressed in the ACR proforma of a judicial officer by his reporting officer, the differences pertain to the details of the questions and also the number of questions. It is quite possible to develop a common template with a prioritized distribution of questions in relation to the various aspects of a judicial officer's performance evaluation.

Policy on Quantitative Yardstick for Ratings in ACR Proforma

It would be quite reasonable to expect that any kind of rating should be based on a quantitative yardstick. In the absence of clarity on the quantitative weightage of different kinds of questions and an overall scheme of ratings based on ranges of quantitative yardsticks, any practice of awarding ratings becomes highly subjective. How does a person move from being 'Good' to 'Very Good'? Unless there is a clear and pre-determine quantitative range in order to determine the applicability of different ratings, it becomes a fertile ground for exercise of unregulated discretion. Thus, a common rating scale and a corresponding range of quantitative yardstick may be developed in this respect.

Policy on Assessment Technique for ACR Questions

It would also be preferable to develop clear assessment techniques in relation to questions being addressed in the ACR proforma of judicial officers. Without any guidelines on the parameters on which marks should be awarded, there would always be the possibility of excessive and personalised subjectivity of reporting officers. Thus, it is quite feasible to develop common assessment techniques in relation to the different parameters reflected in the ACR proforma. In case there are questions which are not capable of being assessed in an objective pre-determined manner, such questions should either not form a part of the ACR report or in the alternative, should have negligible weightage in the overall scheme of assessment. For example, it is quite feasible to develop certain guidelines on how the judgements of a judicial officer will be evaluated. The guidelines can specify how marks will be distributed for various factors such as legal reasoning, narration of facts, clarity in language etc.

Policy on Promotion Criteria

Across different states, while there is variety in terms of the criteria of promotion in different cadres, many criteria have been adopted in a majority of the states. In terms of developing uniformity in criteria, it is felt that the same can be done by distinguishing criteria which are capable of quantitative measurement and criteria which are not. Criteria such as Evaluation of Judgements, Evaluation of ACRs and Assessment of Disposal Records can be measured

quantitatively and examples of the same can be seen in many states as well. On the other hand, would not be appropriate to list factors such as Integrity, Character, Honesty, Pendency of Departmental Enquiry or Vigilance Report as a criterion as the same cannot ideally be expressed quantitatively. It is not possible to determine the integrity percentage of an officer. Thus, such factors should be conditions of disqualification and not a part of criteria. If an officer has adverse findings in these respects, he may be disqualified from promotion till the adverse finding is settled. Once this distinction is institutionalised, it would be feasible to have certain uniform criteria which can be quantitatively measured.

Policy on Assessment of Promotion Criteria

Once the criteria of promotion consist primarily of factors which can be quantitatively measured, it would be feasible to develop common assessment methodologies in relation to different criterion. The Evaluation of ACRs can be quantitatively linked to the ratings received by the judicial officer in his ACR. For example, he may be entitled to 5 marks for a rating of Outstanding and 4 marks for a rating of Very Good and so on. Similarly, ratings received by an officer in relation to his disposal records can also be linked with a relative scale quantitative weightage.