

JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION

Instructions for Candidates intending to appear in the J&K Civil Service (Judicial)
Examination 2001 -----

A copy each of the Notification. Rules governing the service, application form and J&K Public Service Commission (conduct of Examination) Rules, 1973 is obtainable from the office of the Secretary, J&K Public Service Commission, on a written request accompanied by a Demand draft /crossed postal order/treasury receipt for Rs.100.00. Before filling the application form the candidates are advised to study these instructions and rules carefully to see if they are eligible. The conditions prescribed cannot be relaxed.

2. The application form should be filled up in candidate's own handwriting. Entries/Answers against each item should be in words and not by putting dashes or dots. The complete application form should reach the Secretary, J&K Public Service Commission on or before the last date as mentioned in the Notification. Applications received after the last date or incomplete in any respect will not be entertained provided that such applications as are delivered by post within seven (7) days after the last date. Candidates are advised in their own interest to obtain a printed receipt from the office if they submit their applications personally. Applications sent through post should necessarily be sent under Registered Acknowledgement due superscribed on the envelop 'J&K Civil Service (Judicial) Competitive Examination 2001'.

3. A candidate already in Government Service whether in a permanent or a temporary capacity should submit his application complete in all respects routed through his employer, however, he may submit one copy of the application directly before the Commission. It will be the duty of the candidate to get his application routed through proper channel before the date prescribed for receipt of such applications.

4. Candidates are warned that they should not furnish any particulars that are false or suppress any material information in filling in the application form.

5. The applications should be accompanied by the following documents:-

- (i) Treasury receipt/postal order for Rs.500.00 as examination fee (Rs.250.00 only in the case of Scheduled Caste/S.T. Candidates). In the case of Treasury receipt the amount of Examination Fee is to be credited in any State Treasury under the head 0051-Public Service Commission Examination Fee. The Postal Order should be made payable to the Secretary, Public Service Commission. The postal orders should bear the signature of the issuing postmaster and a clear stamp with date of issuing post office. Postal Order not bearing the clear stamp with date of issuing Post Office, will not be accepted and the candidates application rejected.
- (ii) Three identical copies of the recent passport size photographs duly signed by the candidate, one copy of the photograph should be pasted on the first page at the appropriate place of the application form and the second copy pasted on the enclosed identification certificate and third will be used by the Commission for pasting on the attendance sheet of

the candidate. The identification certificate should be got attested by a Ist Class Magistrate under his official seal.

(iii) Copies of the following certificates attested by a Ist Class Magistrate over his official seal and stamp:-

- a) Matriculation or equivalent (for purpose of age).
- b) All academic certificates.
- c) Character (as required under sub-rule 2(ii) of the Rule 14 of the J&K CS(Judicial) Recruitment Rules, 1967.
- d) Permanent certificates.
- e) Actual Bar Practice certificate issued by the District Judge in Form II strictly in accordance with the guidelines issued by the Hon'ble High Court issued under Order No.352 dated 26.08.1995.

Note-A: Candidate claiming to be a Member of Scheduled Caste, Scheduled Tribe, Socially and Educationally Backward Classes viz. Backward Areas. Line of Actual Control as defined in the Reservation Rules, 1994 should submit in support of his/her claim a copy of the certificate issued by the Tehsildar concerned in the form prescribed in the rules.

Note-B: Candidates are required to submit alongwith their applications only copies of their certificates duly attested by a Ist Class Magistrate. Candidates who qualify for viva-voce on the basis of results of the written examination will be required to produce their original certificates at the time of interview. Candidates who fail to produce the original certificates at the time of interview will not be interviewed and will have no claim for further consideration.

Note-C: Certificate of age. The date of birth ordinarily accepted by the Commission is that entered in the Matriculation Certificate, or in a certificate recognised by an Indian University as equivalent to Matriculation or an extract from a Register of Matriculates maintained by a University, extract of which must be certified by the proper authority of the University. A candidate who has passed the Higher Secondary Examination or an equivalent examination may submit an attested/certified copy of the Higher Secondary Examination Certificate or an equivalent certificate.

The expression Matriculation/Higher secondary Examination certificate in this part of the instructions includes the alternative certificates mentioned above.

Candidates are warned that unless complete proof of age, as laid down in these instructions is sent with the application, the application will be rejected. Further, they are warned that if the date of birth stated in the application is inconsistent with that shown in the Matriculation Certificate and no satisfactory explanation is offered, the application will be rejected.

(ii) CANDIDATES SHOULD NOTE THAT ONCE A DATE OF BIRTH HAS BEEN CLAIMED BY THEM AND ACCEPTED BY THE COMMISSION FOR THE PURPOSE OF ADMISSION TO AN EXAMINATION NO CHANGE WILL ORDINARILY BE ALLOWED AT SUBSEQUENT EXAMINATION.

6. Any change in the address already given by a candidate in his application should be brought to the notice of the Commission not later than one month before the commencement of the examination.

7. The examination will be conducted at Srinagar and Jammu. The candidates are advised to indicate the choice between Srinagar and Jammu.
8. Candidates can withdraw their candidature from the examination on or before the last date as indicated in the Notification inviting applications for the Examination. Any request received for withdrawal of candidate after this date will not be entertained.
9. Candidates are warned that if an application is not accompanied with any one of the documents mentioned under paragraph 5(five) above without a reasonable explanation for its absence having been given, the application will be rejected and no appeal against its rejection will be entertained. The documents not submitted with the application should be sent soon after the submission of the application and in any case they must reach the Commission's office within one month after the last date for receipt of applications. Otherwise, the application will be rejected.
10. The fact that an application has been supplied on a certain date will not be accepted as an excuse for the late submission of an application. The supply of application form does not ipso facto make the receiver eligible for admission to the examination.
- 11 (i) If a candidate does not receive an acknowledgement of his application within a month from the last date of receipt of application for the examination, he should at once contact the Secretary for the acknowledgement.

(ii) The application form and the acknowledgement card must be completed in the candidate's own handwriting. An application which is incomplete or is wrongly filled in will be rejected.
12. Every candidate for this examination will be informed at the earliest possible date regarding admissibility of his application. It is not, however, possible to say when this will be communicated. But if candidate does not receive from the J&K Public Service Commission a communication regarding the admissibility of his application fifteen days before the commencement of the examination, he should at once contact the Secretary. Failure to comply with this provision will deprive the candidate of any claim for consideration of his case.

SECRETARY J&K PSC.

GOVERNMENT OF JAMMU AND KASHMIR

GENERAL DEPARTMENT

Notification
Jammu, the 4th January, 1968.

S.R.O.5:- In exercise of the powers conferred by Section 110 of the Constitution of Jammu and Kashmir and in suppression of the Jammu and Kashmir Civil Service (Judicial) Recruitment Rules, 1960 Governor in consultation with the Public Service Commission and the High Court, makes the following rules regulating recruitment to the posts of Munsiffs in the Jammu and Kashmir Civil Service (Judicial), namely:-

THE JAMMU AND KASHMIR CIVIL SERVICES (JUDICIAL) RECRUITMENT RULES, 1967

PART-I GENERAL

1. **Short titles, commencement and Repeal-** (i) These rules may be called the Jammu and Kashmir Civil Service (Judicial) Recruitment Rules, 1967.
 - (ii) These rules shall come into force from the date these are published in the Government Gazette.
 - (iii) With effect from the date these rules come into force, all previous rules and orders on the subject shall stand repealed.

Provided that the selections of candidates for appointment to the posts of Munsiffs or their appointment thereto made prior to the coming into force of these rules shall be deemed to have been made under these rules.

2. **Scope of the rules:** These rules shall apply to the selection of candidates for appointment to the posts of munsiffs in the Jammu and Kashmir Civil Service (Judicial).
3. **Definitions:** In these rules unless there is anything repugnant in the subject or context:-
 - (a) 'Commission' means the Jammu and Kashmir Public Service Commission.
 - (b) 'Constitution' means the Constitution of Jammu and Kashmir.
 - (c) 'Court' means the High Court of Jammu and Kashmir.
 - (d) 'Service' means the Jammu and Kashmir Civil Service, (Judicial).

PART-II RECRUITMENT

4. **Method of Recruitment:** Recruitment to the service shall be made on the basis of the competitive examination conducted by the Commission.
5. **Number of candidates to be taken:** The Governor after consulting the Court, shall decide the number of candidates to be taken at a time.

PART-III QUALIFICATIONS

6. **Residence:** The candidate must be a permanent resident of the State as defined in section 6 of the Constitution.

7. **Age:** No person shall be recruited to the service who is more than 35 years of age on the first day of January of the year in which the advertisement notice for the post of Munsiffs is issued.
8. **Academic qualifications:** No person shall be recruited to the service unless he is
- (a) A Bachelor of Laws of any University established by Law in India, or
 - (b) A Barrister of England or Northern Ireland or a member of the Faculty of Advocates in Scotland or holds any other equivalent law degree recognised by the Government of India.
9. **Practice at Bar:** A candidate for recruitment to the service must have put in atleast **three years actual practice at the bar by the date on which he submits his application** for such recruitment and must produce a certificate to this effect from the District Judge within the local limits of whose jurisdiction he has practiced at the Bar.
- *{9-A Provided that the certificate of actual practice at the Bar shall be issued by the concerned District Judge strictly in accordance with the guidelines laid down by the High Court in this behalf.}

PART IV- PROCEDURE FOR RECRUITMENT

10. **Examination:** (i) The examination for selection of candidates shall as far as practicable be held annually at such place or places as the Commission may determine, commencing on such dates as may from time to time be notified in the Jammu and Kashmir Government Gazette and shall consist of:-
- (a) Written examination in such legal and allied subjects including procedure as may be included in the syllabus prescribed under rule 11.
 - (b) Viva-Voce.
- The objet of viva-voce examination is to assess the candidate's intelligence, general knowledge, personality, aptitude and suitability.
- (ii) **For the purpose of conducting *viva-voce* test examination, the Commission shall request the Chief Justice either by himself or through a Judge of the Court, nominated by him, to act as an expert on the Commission.
- Provided that after the commencement of the Jammu and Kashmir Civil Service (Judicial) Recruitment, (amendment) Rules 1974; the first annual examination shall be held within six months before the expiry of the select list referred to in the proviso to Rule 41.
11. **Syllabus:** The syllabus and the rules relating to the examination shall be as in Appendix 'A'.
12. **Papers:** The written examination shall include compulsory and optional papers and every candidate shall take all the compulsory papers and three out of the optional papers mentioned in Appendix 'A'. The total number of marks and the time fixed for each paper are given in the aforesaid Appendix.
13. **Marks:** (i) The examination will carry a total of 1040 marks including 140 marks for *viva-voce*. Candidates obtaining such minimum qualifying marks, subject-wise and in the aggregate, as may be fixed by the Commission after considering the results of the examination and the number of vacancies to be filled, shall be summoned by them for

via-voce. Candidates who have failed in two or more subjects according to the standard so fixed by the Commission, shall not be eligible either for *viva-voce* or for selection.

** Amended vide SRO: 13 dated 14.01.1998.

- (ii) After the examination the candidates will be arranged by the Commission in the order of merit as disclosed by the aggregate marks including those obtained in *viva-voce* finally awarded to each candidate and in that order so many candidates as are found by the Commission in their discretion to be qualified by the Examination shall be recommended for appointment upto the number of unreserved vacancies decided to be filled on the result of examination.

Provided that any candidate, belonging to a class regarding which a provision for reservation of appointment or posts has been made, who though not qualified by the standard prescribed by the Commission is best in order of merit according to the result of the examination from that class shall be recommended for appointment to vacancies reserved for members of such class in that service.

- (iii) The form and manner of communication of the result of the examination to individual candidate shall be decided by the Commission in their discretion and the Commission will not enter into correspondence with them regarding the result.

14. **Application Form:** (1) Application for permission to appear in the examination will be invited by the Secretary to the Commission (here in after referred to the "The Secretary") by publishing notification in the Jammu and Kashmir Government Gazette and in such other papers as may be considered necessary and such applications shall be made in the proforma, prescribed by the Commission.

- (2) With the application, the candidate shall attach three latest passport size photographs duly signed and attested by a Ist Class Magistrate in ink and under the Official seal of the attestation officer on the front side of the photograph and true copies of the following certificates attested by any Magistrate of the first class over his official seal and stamp:-

- (i) University Certificates showing that he holds requisite minimum educational qualification referred to in rule 8;
- (ii) Certificates of good character from the Principal of the College in which he was last educated and from two responsible persons of status (not relatives), who are well acquainted with him in private life, and are unconnected with his University, College, or School life;
- (iii) Matriculation or equivalent certificates in proof of age;
- (iv) Certificate that he is permanent resident of the State as referred in rule 6.

- (3) Notwithstanding anything contained in sub-rule (2) a candidate who may be required by the Commission to produce his original certificate should do so within the time limit that the Commission may prescribe. He should also deposit an examination fee as indicated in the Instructions for the candidates in any state treasury under the Head "0051 PSC Examination fee" and the Treasury receipt should be enclosed with the application form.

- (4) No claim for refund of fee will ordinarily be entertained nor can it be held in reverse for subsequent examination. The fee of a candidate who may die before

appearing the examination or who is found ineligible for admission to the examination will, however, be refundable.

15. An application complete in all respects shall be submitted by the candidate desiring to appear in the examination to the Secretary direct. In the case of candidate already in the service of the Government or in Government of India or any other State Government, another copy of the application shall be submitted by him through his official channel but the copy addressed to the Secretary should be accompanied by the Treasury Receipt for the examination fee and by the certificates in accordance with the provisions of rule 14. No admission, Provisional or absolute, will be given unless the application routed by such Government employees through his department is received duly supported by the Head of Department concerned.
16. On receipt of the application and the Treasury Receipt referred to in the preceding rules, the Secretary shall, if the candidate is eligible to appear in the examination, allot him a Roll Number and issue him a permission card permitting him to appear in the examination.
17. Before the commencement of the examination the Secretary shall apply to the Supervisor appointed to conduct the examination at each centre, a list containing names of the candidates with their Roll Number who are to appear at that centre and the subject or subjects in which they are taking the examination.
18. No candidate shall be admitted to the examination unless he hold a permission card issued by the Secretary. Should the Supervisor be in doubt about the identity of a particular candidate he may require him to prove his identity and if the candidate fails to satisfy him; he may allow him to sit in the examination provisionally. The Supervisor shall thereupon immediately report this fact to the Secretary for orders of the Commission.
19. The Secretary may; if he is satisfied that the permission card issued to a candidate has been lost or destroyed, issue a duplicate permission card to him. Till such time the duplicate card is issued the Supervisor may provisionally permit the candidate to take the examination after proper identification, provided the name of such candidate is included in the list supplied to the Supervisor. The Supervisor shall then forthwith report this fact to the Secretary.
20. No candidate shall be admitted to the examination hall half an hour after the Examination has commenced nor shall any candidate be allowed to leave the Hall before the expiry of atleast on hour.
21. Every day before the commencement of the examination the Supervisor shall call upon the candidates to deliver to him all papers, notes and books which they may have in their possession. No late comer shall be admitted to the Examination Hall.
22. A candidate found or suspected to be guilty of using unfair means in the Examination Hall shall be permitted to answer the remaining part of his question papers but on a separate answer book(s) to which the unfair means are suspected to relate shall be seized by the Supervisor who shall call upon the candidate to submit his explanation in regard to the incident in question and send both the answer books to the Secretary with his report giving full particulars of the case alongwith the explanation tendered if any, by the candidate for orders of the Commission.
23. (1) If a candidate is found having in his possession or accessible to him papers, notes or books which might have been or may be of assistance to him and if on consideration of the report of the Supervisor and the explanation tendered if any, by the candidate the Commission comes to the conclusion that his possession of such papers, notes

or books was due to inadvertence and was not malafide it may pass orders that the candidate will not be considered for appointment on the basis of the examination in question even if he may have appeared in it partly or wholly. This order will not operate to debar the candidate from taking any subsequent examination.

- (2) If, however, it is found that the possession of papers, notes or books was deliberate with the object of receiving assistance from time to time, it shall pass orders disqualifying the candidate from appearing in this or any other examination conducted by the Commission for one or more consecutive occasions. In such a case the candidate will not be considered for appointment on the basis of the examination in question (even) when he may have appeared in it partly or wholly.
24. If on consideration of the report of the Supervisor and the explanation tendered, if any, by the candidate the Commission comes to the conclusion that the candidate was detected in giving or receiving assistance or was found to be copying from any paper, note or book or consulting these while he was outside the examination having left his seat temporarily during the examination or was allowing any other candidate to copy his answer book it shall pass orders disqualifying the candidate from appearing in the examination for two or more consecutive chances and the candidate will not be considered for appointment on the basis of examination in question (even if he may have appeared in it partly or completely).
25. Any candidate who refuses to obey the Supervisor in the examination hall or creates disturbance of any kind during the examination or otherwise misbehaves in or around the examination shall be warned by the Supervisor to behave properly and if inspite of this warning the candidate persists in the behaviour he shall be expelled by the Supervisor from the Examination Hall. The Supervisor shall call upon the candidate to submit his explanation in regard to the incident in question and immediately send a report to the Secretary giving full particulars of the case alongwith the explanation tendered, if any, by the said candidate, if on consideration of the report of the Supervisor and the explanation tendered, if any, by the candidate the Commission comes to the conclusion that the candidate has acted without any good cause it shall disqualify him either permanently or for the specified period from appearing in any of the examination conducted by the Commission ignoring him for appointment on the basis of the examination in question.
26. A candidate found guilty of:-
- (i) Communicating or attempting to communicate with any of the examiners with the object of influencing them in the award of marks; and
 - (ii) Tampering with certificate furnishing incorrect information or/and suppressing any material information shall be deemed to have used or attempted to use unfair means within the meaning of rule 24 and shall be dealt with accordingly.
- 26-A. The decision of the Commission under rules 23, 24, 25 and 26 shall be final.
27. The examination papers shall be set and marks awarded by the examiners who will be appointed by the Commission. The examiners shall be paid such remuneration as may, from time to time be fixed by the Commission.

Note: The object of examination is to test the practical ability of the candidates rather than the range of their theoretical knowledge, for this purpose the candidates will be required on giving fact of a typical case, to frame issues, write judgement and discuss the admissibility of evidence.

28. The Commission may detail any person or persons to inspect the conduct of examination at any Centre and advise the Supervisor and report to the Commission the result of his/their observations.
29. The Commission may appoint responsible officers of the State or other Suitable persons as Supervisors and may also appoint invigilators and other staff on such remuneration as may be fixed by the Commission from time to time.
30. The question papers shall be forwarded by the examiners to the Secretary who will keep them under a double lock and keys of one of these locks will be with the Secretary and of the other with the Chairman of the Commission or any other member nominated by him.
31. On expiry of the maximum time allowed for a paper or when all the examinees have finished the paper earlier the Supervisor shall collect all the answer books, put them in cloth or clothlined cover, affix seals thereon and forward them to the Secretary who will put them under a double lock in the manner indicated in Rule 30 till such time these are sent to examiners for marking.
32. Unless otherwise required by the examiner all question papers shall be answered in English.
33. Each paper shall be of three hours duration.
34. Credit will be given for orderly effective and exact expression combined with the economy of words in all papers in the examination.
35. Candidates must write the paper in their own hand. In no circumstances will they be allowed the help of a scribe to write the answers for them.
36. If a candidate's hand writing is not easily legible deduction will be made on this account from the total marks otherwise accruing to him.
37. Candidates shall answer question in the clear and legible hand strictly in accordance with the instructions printed on the cover page of the answer book which shall be deemed to form part of these rules.

PART V – APPOINTMENT, PROBATION AND CONFIRMATION

38. **Physical Fitness:** No person shall be appointed as a member of service unless he be in a good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as Member of the Service. Before a candidate who has passed the examination is finally approved for appointment to the service, he shall be required to undergo an examination by Medical Board (vide appendix B) arranged for by the Commission for which he will have to pay the prescribed fee for Rs.16/-.

Note: Instructions to appear before Medical Board shall not be understood to mean that a candidate if found fit, will necessarily be given an appointment as the number of candidates who will be summoned for medical examination will generally be in excess of the total number of available vacancies.

39. **Final List:** The list of select candidates, after it is approved shall be published by the Government in the Government Gazette and a copy thereof shall be sent to the Court alongwith the waiting list, if any, furnished by the Commission, for record in their office.

40. **Practical Training:** After selection of a candidate and before his appointment as Munsiff the Court may require the candidates to undergo technical training for a period of three months (or such further period not exceeding six months) in the manner to be determined by the Court. For this period the candidate may be allowed a monthly allowance of Rs.200/-
41. **Security of the list:** The list and the waiting list of the selected candidates shall remain in operation for a period of one year from the date of its publication in the Government Gazette or till it is exhausted. by appointment of the candidates whichever is earlier.
42. **Appointments:** (1) Whenever it shall appear to the Judges of the Court that a vacancy or vacancies in the cadre of Munsiffs should be filled they will make a recommendation from the list maintained in the Court under rule 39 and submit the name or names of the selected candidates to the Governor for appointment as Munsiff in the order in which they have been placed by the Commission in the list prepare under rule 13(2).
- (2) All appointments made under this rule shall be notified in the Jammu and Kashmir Government Gazette.
- 42-A. 1. When there is no Candidate left from the select list or from the waiting list mentioned in rule 39 or such candidate, though available, decline or is unable to take up the appointment and the court is of the opinion that a fresh list of select candidates cannot be produced under these rules without an amount of delay which is not desirable in the public interest, the Governor on the recommendation of the High Court, may, not withstanding anything contained in these rules sanction a list to be called an "Adhoc" list as candidates for appointment of Munsiff.

Provide further that before drawing up the list of adhoc list who is more than 32 years of age on the first day of January of the year in which the list is sanctioned and does not fulfill other conditions laid down in rules 6, 8 and 9 of these rules.

Provided further that before drawing up the list of adhoc candidates as aforesaid, the High Court shall cause a notice of not less than 15 days duration to be given in the government Gazette or in a newspaper having wide circulation in State, inviting applications for the purpose and interview the eligible applicants with a view to assessing their relative merit and ability.

2. The adhoc list sanctioned under Sub-Rule (1) shall be enforced until a select list is sanctioned under Rule 39. For this purpose reference shall if not already made be made to the Commission as soon as may be after the adhoc list is sanctioned:

Provided that if the select list falls short of the existing numbers of vacancies the adhoc list shall continue to be operative, till another select list is sanctioned under Rule 39.

3. Pending finalization of the select list aforesaid, appointment to the service shall be made by the Governor on the recommendation of the High Court from amongst persons included in the adhoc list and every such appointment shall unless sooner terminated continue for a period of two years.

Provided that Governor in consultation with the High Court and the Public Service Commission may for sufficient reasons extended the period of such appointment beyond two years.

This shall be deemed to have come into force with effect from 28th December, 1978.

43. **Probation:** The selected candidates, if so required by the Court shall have to pass a departmental examination to be prescribed for the purpose before he is confirmed as Munsiff.
44. **Termination of Service:** (1) If it is reported by the Court at any time during or at the end of the period of probation that an officer have not made sufficient use of the opportunities or if he has otherwise failed to give satisfaction, to the Court, the Governor may dispense with his service.
- (2) Any Officer whose services are dispensed with under sub-rule (1) shall not be entitled to any compensation;
- (3) It will be open to the Governor not to appoint a woman candidate who is married or to require such a candidate who is not married to resign from the service in the event of her marrying subsequently if maintenance of the efficiency of the service so required.
45. **Confirmation:** After the appointed Munsiffs have completed their period of probation to the satisfaction of the Court and after they have passed the departmental examination, if any, they may be recommended for confirmation by the Court to the Government from time to time.

APPENDIX "A"

SYLLABUS FOR THE JAMMU AND KASHMIR CIVIL SERVICE EXAMINATION (JUDICIAL)

- NOTE:-**
- (i) **Each paper carries 100 marks.**
 - (ii) **Time for each paper is three hours.**

COMPULSORY PAPERS

Paper I:-

- (a) English Essay.
- (b) Translation from English into Urdu or Hindi and vice versa.
- (c) Precis.

Paper II:-

- (a) General Knowledge.
- (b) Indian Constitution Law and Constitution of Jammu and Kashmir State.

Paper III:-

- (a) Criminal Procedure Code.
- (b) Evidence Act.
- (c) Ranbir Panel Code.

Paper IV:-

- (a) Financial Code Volume I & II.
- (b) Kashmir Service Regulation Chapters III to XIII and XXII and XXIII.
- (c) Rules and orders for the guidance of Subordinate Courts (Civil and Criminal) and Circular orders issued by the High Court.

Paper V:-

- (a) Civil Procedure Code.
- (b) Limitation Act.
- (c) Jammu and Kashmir Registration Act.

Paper VI:-

- (a) Transfer of Property Act.
- (b) Right of Prior Purchase Act.
- (c) Houses and Shops Rent Control Act.

OPTIONAL PAPERS**Paper I:-**

- (a) Hindu Law.
- (b) Mohamadan Law.
- (c) Coustomary Law of the State.

Paper II:-

- (a) Law of Companies.
- (b) Insurance Law.

Paper III:-

Principles of Equity including the Law of Trusts and specific Relief.

Paper IV:-

- (a) Jammu and Kashmir Contract Act.
- (b) Law of Torts.

Paper V:-

- (a) Suits Valuation Act.
- (b) Court Fee Act.
- (c) Stamp Act.
- (d) Agriculture Relief Act.
- (d) Excise Act and Rules.

Paper VI:-

- (a) Land Revenue Act.
- (b) Tenancy Act.
- (c) Land Alienation Act.
- (e) Land Acquisition Act.

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APPENDIX "B"

REGULATIONS FOR THE MEDICAL EXAMINATION OF CANDIDATES FOR ADMISSION TO THE JAMMU AND KASHMIR CIVIL SERVICE (JUDICIAL)

These regulations are intended merely for the guidance of Medical Board and not meant to restrict their discretion in any way.

1. To be passed medically fit for admission to the Jammu and Kashmir Civil Service (Judicial) a candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties and member of the service.
2. The following conditions will be observed in connection with the test for acuteness of vision.

VISION OF CANDIDATE

- (a) No candidate will be accepted whose vision is less than

Better eye v=6/6 Reads 6	Worse eye v-6/12 Reads 1
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Spectacles will be allowed for either upto plus 5 (D or minus 5) D provided that there are no morbid changes in the funds.
 - (b) In myopia if there is a posterior staphyloma the spectacles must not exceed 2.5 D in either eye.
 - (c) In case of astigmatism the combined lenses must not exceed 5 Diopters and there should be no funds changes.
 - (d) Squint or any other morbid condition of the eyes of the lids of either eye liable to the risk of aggravation or recurrence will cause the rejection of the candidate.
 - (e) Each eye must have a full field of vision as tested by hand movement.
 - (f) Any defect in colour vision will be noted but will not cause rejection of the candidate.
 - (g) In case of doubt of serious abnormality the opinion of the ophthalmic specialist will be obtained.
 - (h) No candidate will be accepted whose standard of vision does not come upto the specified requirements without the use of constant glasses.
3. The urine (passed in presence of the Examiner) should be examined and the result recorded.
 4. The following additional points should be observed:-
 - (a) That the candidate's hearing in each ear is good and that there is no sign of disease of the ear;
 - (b) That his speech is without impediment;

- (c) That his teeth are in good order and that he is provided with dentures where necessary for effective mastication (well filled teeth will be considered as sound);
- (d) That his chest is well formed and his chest expansion sufficient and that his heart and lungs are sound;
- (e) That there is no evidence of abdominal diseases;
- (f) That he is not ruptured;
- (g) That he does not suffer from phdrocela a severe degree of varicocele varicose voins or pile.
- (h) That his limbs, hands and feet are well formed and development that there is free and perfect motion of all his joints;
- (i) That he does not suffer from any inverterate skin;
- (j) That there is no congenial malformation or defect;
- (k) That he does not bear traces of acte or chronic disease pointing to an imparity constitution;
- (l) That he bears marks of efficient vaccinations and evidence or revaccination within the last 12 months.

When any defect is found it must be noted in the certificate and the medical examination should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation it should be stated.

The following intimation is made for the guidance of the Medical Examiner:-

- (1) In the medical examination of the candidates Medical Officers are specially required to use tact and judgement and to take proper precaution to secure privacy with the object of removing any objection which may be made by individual to stripping.
- (2) Should a candidate object to the exposure of his person for detection of haemorrhoids, venereal diseases, hernia and disease of the testicles; scrotum and rectum the candidate must if this examinations in his case is in the opinion of the board necessary be rejected.
- (3) The opinion of the board accepting or rejecting a candidate is final and cannot be questioned on any ground. The board is debarred from disclosing to any candidate permanently unfit the reasons for his rejection. In these cases their opinion and report is to be treated as strictly confidential and for the information of Government only. Where however, the Board detects temporary defects

amenable to treatment the candidate may be so informed in order that he may have the defect remedied and present himself for re-examination.

- (4) No person will be deemed qualified for admission to the service unless he satisfies the Government that he has no disease constitutional affection or bodily infirmity unfitting him or likely to unfit him for that service.
- (5) It should be understood that the question of fitness involves the future as well as present and the main object of medical examination is to secure continuous effective service and in the case of candidates for permanent appointment to prevent early pension or payment in case of premature death. it is at the same time to be noted that the question is one of the likelihood of continuous, of effective service and that the rejection of candidate need not be advised on account of the presence of a defect which is only a small proportion of cases is found to interfere with continuous effective service.

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below:-

- (1) State your name in full
- (2) State your age and birth place
- (3)
 - (a) Have you ever had smallpox in intermittent or any other fever, enlargement of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, reumatism or appendicitation.
 - (b) Any other disease or accident requiring confinement to bed and medical or surgical treatment, or
 - (c) Have you ever been rejected by a Medical Board or a duly constituted Medical Authority.
- (4) When were you last vaccinated ?
- (5) Have you or any of your nearer relations been effected with consumption scorefuls, gout, asthma, fits epilepsy or insanity ?
- (6) Have you suffered from any or nervousness due to over work or any other cause.
- (7) Furnish the following particulars concerning your family.

I	II	III	IV
Father's age if living and state of health.	Father's age at death and cause of death	Number of brothers living, their ages and state of health.	Number of brothers dead, their ages and cause of death.

V	VI	VII	VIII
Mother's age if living and state of health.	Mother's age at death and cause of death	Number of sisters living their ages and state of health.	Number of sisters dead, their ages and cause of death.

I declare all the above answers to be to the best of my belief, true and correct and accept the finding of the Board as final.

Candidate's signature

Medical Examiner's Report

Question	Answer	Remarks
1. Has the declaration of the preceding page been signed by the candidate?		
2. Is there any evidence of malformation congenial or acquired?		
3. Is he free from scars and has he the full use of all limbs?		
4. Are there any indications of a decided cashetic or diathetic state of constitution?		
5. Are there any signs of disease of the nervous system?		
6. Is the hearing good? Is there any sign of disease of the ears?		
7. Has the candidate been vaccinated within the last 12 months?		
8. What is the candidate's vision? R.E.V. with glass reads L.E.V with glasses. Spectacles, if any, R.E.L.E.		
9. Is the candidate free from stammer or other serious defect of speech?		
10. Are there any signs of disease of the bones, joints or parts connected therewith?		
11. Is there any important affection of the skin?		
12. (a) Are the heart and arteries healthy? (b) Blood pressure- Systolic/Diastolic?		
13. Has the candidate's haemonhoids, vericoele or other affection of veins?		
14. Is there any sign of disease of the digestive organs?		
15. Are there any signs of disease of the respiratory organs?		
16. Is the candidate free from rapture?		
17. Is there any indication of disease of the genial organs?		

18. Is the Urine free from _____
 (1) Albumen (2) Sugar 1.
 2.

Is the urine otherwise normal?

19. Is there anything in the health of the candidate likely to render him unfit for the efficient discharge of his duties in the service for which he is a candidate?
20. Do you consider the candidate in all respects qualified for the efficient and continuous discharge of his duties in the service for which he is a candidate?

Height without shoes, Girth of chest
 (full inspiration).

Weight President

Dated Member

Member

NOTE 1:- The candidate will be held responsible for the accuracy of the above statement. By willfully suppressing any information he will incur the risk of losing the appointment and if appointed of forfeiting all claims to superannuation allowance or gratuity.

JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION JAMMU/SRINAGAR.

Notification No. PSC/Ex/73/130
Dated: 30th October, 1973.

In pursuance of the provisions as contained in section 133 (1) of the Constitution of Jammu and Kashmir, the Jammu and Kashmir Public Service Commission hereby make the following rules:-

RULES AND PROCEDURE FOR THE CONDUCT OF EXAMINATIONS.

1. ***Short title and commencement:-*** These rules may be called the Jammu and Kashmir Public Service Commission (Conduct of Examinations) Rules, 1973 and shall come into force with immediate effect.
2. ***Scope of the Rules:-*** These rules shall apply to all the examinations conducted by the Jammu and Kashmir Public Service Commission.
3. ***Definitions:-*** In these rules unless there is anything repugnant in the subject or context:-
 - a. 'Constitution' means the Constitution of Jammu and Kashmir;
 - b. 'Commission' means the J&K Public Service Commission;
 - *b(i).The Committees mean the committees as may be constituted from time to time under the J&K Public Service commission (Business & Procedure) Rules, 1980.
 - c. 'Member' means a member of the Jammu and Kashmir Public Service Commission and includes Chairman thereof;
 - d. 'Secretary' means the Secretary to the J&K Public Service Commission;
 - e. 'Government' means the Government of Jammu and Kashmir;
 - f. 'Examination' means any examination conducted by the Commission;
 - g. 'Examiner' means a person appointed by the Commission to act as such;
 - h. 'Supervisor' means a person appointed by the Commission to act as such;

* Amended in pursuance of resolution adopted and approved by the Commission on 15.03.2000.

4. a) **Controller of Examinations:-** The Secretary/Special Secretary will be ex-officio Controller of Examinations.

*b) **Additional Controller of Examinations:-**

The Special Secretary/Additional Secretary will be ex-officio Controller of examinations.

5. **Issue of notification:-** Application for permission to appear in an examination will be invited by the Secretary by publishing a notification in the Jammu and Kashmir Government Gazette. The notification may also be got published in such other manner as may be considered necessary by the Commission.

6. **Submission of application:-** Every application shall be submitted on the proforma as prescribed by the Commission and be accompanied by:

- a. two latest passport size photographs in accordance with the instructions in the notification duly signed and attested by any Gazetted Officer in ink and under his official seal on its front or by any other authority whom the Commission may desire; provided that in the case of departmental examination, if a candidate has already submitted the photograph with an earlier application form in any previous examination, the submission of a photograph may not be insisted upon; and
- b. treasury receipt for amount of examination fee as already laid down in the relevant rules or as may be prescribed by the Commission for a particular examination.

No application received after the prescribed date shall be entertained unless there are adequate reasons.

** Provided that in case of Departmental Examination, application forms received after the last date shall be entertained on payment of late fee of Rs.100/- per paper upto a maximum of 21 days from the last date fixed for receipt of applications. Application forms received thereafter shall in no case be entertained even if the candidates has deposited the examination fee into the Treasury within the prescribed time fixed for late receipt of applications.

7. **Refund of Examination Fee:-** A claim for refund of fee shall be entertained only in the following cases: provide the claim is made within six months of the date of examination:-
- a. where a candidate dies before he takes examination; or
 - b. where a candidate is considered ineligible by the Commission; or
 - c. where a candidate could not take an examination for reasons which in the opinion of the Commission were beyond his control; or
 - d. where a candidate withdraws from the examination by the time fixed by the Commission.

* Substituted vide Notification No.PSC/Ex-98/6 dated 12.02.1998.

- ** Substituted vide Commission Notification No.PSC/Ex-97/2 dated 20.01.1998.
8. **Issue of permission card:-** On receipt of the application and the treasury receipt referred to in the preceding rule, the Secretary shall, if the candidate is eligible to appear in the examination, allot him/her a roll number and issue him/her permission card for appearing in the examination.
9. **Appointment of examiners:-** The examination papers shall be set by the examiners who will be appointed by the Commission. The Examiners shall be paid such remuneration as may from time to time be fixed by the Commission. All Examiners will be required to strictly adhere to the instructions for setting the question papers and marking the scripts and these instructions for setting the question papers and marking the scripts and these instructions shall be deemed to form part of these rules.
10. **Appointment of Supervisory Staff:-** The Secretary shall appoint suitable persons as Supervisors and may also appoint Invigilators and other staff on such remuneration as may be fixed by the Commission from time to time. The Supervisors, other staff shall strictly adhere to the 'Instructions' which may be prescribed in this behalf and such instructions shall be deemed to form part of these rules.

Rules 10-A. Where the Commission considers that the number of applications received for admission to a Competitive Examination is unduly large, it may direct the candidates to appear in a written screening test. The Syllabus of such a test shall be made known to the candidate at least one month before the date of holding of the test.

Only such candidates as qualify in the test by such standards as may be fixed by the Commission, shall be admitted to the main written examination.

The marks secured by candidates in the screening test shall not be taken into account in determining the final order of merit. This shall be deemed to have come into force from 31-05-1980.

11. **Custody and printing of question papers:-** The question papers shall be forwarded by the Examiners to the *Secretary/Special Secretary who will keep these in safe custody and arrange printing etc. well before the commencement of the Examination.
12. **List of candidates permitted to be supplied to the Supervisors:-** As far as practicable before the commencement of the examination, the Secretary shall supply to the Supervisor appointed to conduct the examination at each centres a list of the candidates with full roll number who are to appear at that centre and the subject or subjects in which they are taking the examination.
13. **Admission in the examination hall:-** No candidate shall be admitted to the examination hall unless he/she holds a permission card issued by the Secretary. Should the Supervisor be in doubt about the identity of the particular candidate, he/she may require him/her to prove his/her identity and if the candidate fails to satisfy him/her, he/she may allow him to sit in the examination provisionally. The Supervisor shall thereupon immediately report the fact to the Secretary for orders of the Commission.
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* Substituted vide Notification No.PSC/Ex-98/6 dated 12.02.1998.

14. **Duplicate permission card:-** The Secretary may, if he/she is satisfied that the permission card issued to a candidate has been lost or destroyed issue a duplicate permission card to him/her on payment of a fee of Rs.10/- through Postal Order. Till such time as the duplicate card is issued, the Supervisor may provisionally permit the candidate to take the examination after proper identification, provided that the name of such candidate is included in the list supplied to the Supervisor. The Supervisor shall forthwith report this fact to the Secretary. If, however, it is subsequently found that no permission was accorded to the candidate for one reason or the other, the candidate cannot claim any right of his having taken the examination in the subject. Before allowing such candidates to take the examination the Supervisor will obtain clear undertaking to this effect from the concerned candidate.
15. **Admission of late comers in the examination hall:-** No candidate shall be admitted to the examination hall half an hour after the examination has commenced, nor shall any candidate be allowed to leave the hall before the expiry of at least half an hour.
16. **Taking of question paper outside the examination hall:-** No question paper shall be allowed by the Supervisor to be taken out of the hall during the first half time. No person other than the examinee shall be allowed to read the question paper in the examination hall.
17. **Announcement in the examination hall:-** Every day before the examination begins, the Supervisor shall call upon all the candidates to search their pockets and part with and deliver to him/her all papers, books or notes which they may have in their possession. No late comer shall be admitted unless this warning has been given to him at the gate.

The Supervisor shall forward to the Secretary every day a declaration signed by him/her and witnessed by the by the Invigilators on duty to the effect that he/she as a matter of fact, called upon the candidates to search their pockets and to surrender all papers, books and notes in their possession.

*"Provided that only bare Acts/books specifically authorised shall be allowed to be made use of by the examinees."

18. **Unfair means:-** Use of unfair means by a candidate includes:-
- a. possession of papers, notes or books or any other material with the intention of receiving assistance; or
 - b. receiving help or giving help to another candidate or copying from any paper, note or book, or allowing any other candidate to copy from his answer books; or
 - c. taking examination with notes written on any part of his clothing or body or table or desk or any other instrument, or consulting papers, notes or books outside the examination hall during the examination hours before he has handed over his answer books; or
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- * Added vide Commission decision in 39th meeting dated 15.03.2000.
- d. possession of an extra answer book or continuation book or smuggling of an answer book of an answer book or a continuation book or replacing the answer book or continuation book during or after the examination; or
 - e. obtaining admission to an examination on false representation made on his admission form, or furnishing incorrect information, or tampering with documents, certificates or forging another person's signature on his admission form, or suppressing any material information; or
 - f. communicating with any of the examiners with the object of influencing in the award of marks etc. or having made an appeal to the examiner in his answer book for special consideration, or of disclosing the identity or making peculiar marks in his answer book for that purpose, or of using indecent language in the answer book; or
 - g. impersonation.
19. **Misbehaviours:-** Misbehaviours includes:-
- a. changing the seat or roll number card; or
 - b. disobeying the orders of the Supervisory staff, or creating or attempting to create disturbance in or around the examination hall, preventing or attempting to prevent candidates from taking the examination or organising or to organise or participating in a walk out or strike, or resorting to violence; or
 - c. leaving the examination hall without delivering the answer book to the Invigilator concerned and taking away the same, or intentionally tearing the answer book or continuation book or any part thereof inside or outside the examination hall.
20. **Punishment:-** Any candidate who use or attempts to use 'Unfair means' or is guilty of 'Misbehaviour' in any examination shall in addition to being declared as having failed in that examination, be liable to be disqualified from appearing in that examination or in any other examination held by the Commission for one or more years. Misbehaviour of a candidate shall also render him liable to be expelled from the examination hall.
- Any candidate who is a Government servant and is guilty of use of unfair means or of misbehaviour shall in addition to liable to such disciplinary action as the competent authority may deem fit to take against him under the relevant rules.
21. **Inadvertent possession of papers:-** Possession of papers, notes or books which in the opinion of the Commission, were due to inadvertence and not mala fide, shall entail the candidate to have failed in that particular paper.
22. **Show Cause Notice:-** Before any punishment under rules 20 and 21 is imposed on a candidate he shall be given an opportunity to be heard orally or in writing.

- 22-A. **Unfair means Committee:-** The unfair means cases reported by the Supervisors/Examiners will be examined in detail by a "Unfair means Committee" consisting of one or two members of the Commission formulated from time to time and the recommendation of the said Committee placed before the Commission for final orders.
23. **Supervisor's duty in unfair means and other cases:-** A candidate, found or suspected to have used unfair means in the examination hall be permitted to answer the remaining part of his question paper, but on a separate answer book and the answer book in which the use of unfair means is suspected shall be seized by the Supervisor along with other relevant material, if any found in possession of the candidate. The Supervisor shall call upon the candidate to submit his explanation in regard to the misconduct in question and send both the answer book along with other relevant material to the Secretary with his report, giving full particulars of the case and the explanation tendered, if any, by the candidate for orders of the Commission. The material so recovered from the candidate should be got signed by him and authenticated by the supervisory staff. This will not effect the candidate's right to appear in the remaining papers of the particular examination.
24. **Inspections:-** The Commission may detail, any person to inspect the conduct of examination at any centre and advise the Supervisor and report to the Commission the result of the observations.
25. **Amanuensis:-** Candidates must write the paper in their own hand. In no circumstances will they be allowed the help of an amanuensis.
26. **Instructions for candidates:-** Candidates shall answer questions in a clear and legible hand and strictly act upon the instructions printed on the cover page of the answer books. Such instructions shall be deemed to form part of these rules.
27. **Despatch of scripts by the Supervisor:-** On expiry of the maximum time allowed for a paper or when all the examinees have finished the paper earlier, the Supervisor shall collect all the answer books, put them in a cloth or cloth-lined cover, affix seals thereon and forward them to the Secretary.
28. **Despatch of scripts to the Examiners:-** After the answer scripts are received in the Commission's Office from the Supervisors of the various Centres, these will be opened in the Secrecy Section, checked with the date-wise statements furnished by the Supervisors with the answer scripts and send them to the Examiners who have set the question paper along with the copy of instructions for marking the scripts. The Examiners will strictly adhere to these instructions. If for any reason it may not be possible for the Examiner who have set the question paper to evaluate the scripts, the Commission may make alternate arrangements for getting the answer scripts evaluated.
29. ***Checking of scripts:-**
- (a) "After the answer scripts are received back duly evaluated these will be checked in the Secrecy Section to determine whether the Examiner has made any error in totaling marks awarded by him or has left any Question unmarked."

- (b) If it is found that the Examiner has left any question unmarked, the Secretary/Controller of Examinations shall send such Answer Scripts to the Examiner for marking. On receipt of the same after rectification by the Examiner, necessary change/modification shall be made for tabulation by the Secretary/Controller of Examinations. However, the Examiner shall not alter the marks already awarded by him nor shall he be competent to add any mark/marks.”
- (c) “All arithmetical errors and omissions in totaling or awarding marks inconsistent with the instructions issued shall be rectified by the Secretary/Controller of Examinations and such answer scripts shall not be sent back to the Examiner. Such errors rectified by the Secretary/Controller of Examinations shall thereafter be subject to scrutiny by the Commission.”
- (d) “In case any tampering or overwriting is noticed during the course of check by the Secretary/Controller of Examinations and such overwriting or tampering has prima facie been effected subsequently, only the marks originally awarded by the Examiner shall be taken into account for purposes of tabulations.”
30. **Announcement of results:-** The Secretary shall arrange the announcement of the results of all the examinations except the competitive examinations as early as possible and get these results published in the Government Gazette and also send intimations to the individuals concerned separately. As for the competitive examinations, results of such of the candidates as may qualify for viva-voce test, in accordance with the provisions of the respective rules, will be published in the Government Gazette and after the final selection is made, a list of selected candidates will be notified according to the merit in the Government Gazette. All the candidates who appear in the particular competitive examination will, however, be intimated the paper-wise marks after the final selection is made.
31. **Scrutiny of marks:-** a. Any candidate who has taken the examination, may apply to the Secretary for scrutiny of his marks and rechecking of his results. Such applications shall be made within one month of the date of publication of the result in the J&K Government Gazette.
- b. All such applications shall be accompanied by a Treasury Receipt on account of rechecking fee of **Rs.100/- per subject or part thereof.
- c. On receipt of such applications the Secretary/Controller of Examinations will examine the Answer Books of the candidate concerned and see whether the Examiner has made any error in totaling the marks awarded by him or has left any question unmarked. ***
- d. If the Secretary finds that the Examiner has not while examining the scripts committed any such error or omission as mentioned in sub-rule (c) he shall reject the application and communicate the results of the scrutiny to the candidate.
- e. If, it is found that the Examiner has left any question unmarked, the Secretary shall send back the answer book of the candidate to the Examiner for marking, and after the receipt of the report of the Examiner if the result

involves any change, modification of the same shall be published in the J&K Government Gazette.

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- * Recast vide Commission resolution dated 15.03.2000.
 ** Amended vide Commission's Notification No.PSC/Ex-2000/26 dated 31.03.2000.
 *** Deleted vide Commission decision in 12th meeting held on 20.07.2000.
- f. The candidate shall be entitled to the refund of rechecking fee if his result is effected by scrutiny.
- g. On receipt of the answer book under rule (e) the Examiner shall not alter the marks already awarded by him to the answer nor shall he be competent to add any mark(s).
- h. Examinee of the competitive examination can avail of the opportunity under the rule within one month of the date of publication of the notification about the candidates who have qualified for viva voce test.
32. **Misconduct of Examiners/Supervisory Staff:-** If, at any stage it comes to the notice of the Commission that Examiner or Supervisor or any person detailed on duty for the conduct of any examination has allowed himself to be influenced in any way, or has not followed the instructions with regard to setting of papers/markings of scripts or conduct of examination or had given any chance for using unfair means in the examination hall, it may pass orders debarring such person from appointment in any capacity in the conduct of the examinations or in work related to the Commission either permanently or for a specified period. If such person is a Government servant the case shall be referred to the competent authority for appropriate disciplinary action.
33. **Decision of the Commission:-** In any matter arising out of these rules, the decision of the Commission shall be final.
34. **Residuary:-** The Commission shall have the power to make rules and to issue instructions with respect to matters for which there is no specified provision in these rules.

By order of the Commission.

**Sd/-
 Secretary
 J&K Public Service Commission**