

MISCELLANEOUS.

SUBORDINATE CIVIL JUDICIAL SERVICE RULES.

No. 984

The 26th November 1940.

[Amendment : 18.06.1989]

No. 984.- The Governor of Myanmar makes, under sub-section (1) of section 111 and sub-section (2) of section 98 of the Government of Myanmar Act, 1935, the following rules defining the standard of qualifications to be attained by persons desirous of entering a Subordinate Civil Judicial Service and the conditions of service therein:-

GENERAL.

1. These rules shall be called the “**Subordinate Civil Judicial Services Rules**”, and they shall take effect from the 1st December 1940.

The rules published in Appointment Department Circulars Nos. 34 and 35 of 1921, are hereby superseded.

2. There shall be two subordinate civil judicial services in Myanmar, namely, the Myanmar Judicial Service and the Subordinate Judicial Service.

The rules in Section A below apply to the Myanmar Judicial Service, and the rules in Section B to the Subordinate Judicial Service.

<Amendment 18.06.1989>

3. No woman shall be eligible for appointment to a Subordinate Civil Judicial Service.
4. The sanctioned strength of the Myanmar and Subordinate Judicial Services and the appointments borne thereon shall be as set out in Schedules A and B annexed to these Rules.

<Amendment 18.06.1989>

Section A.- Myanmar Judicial Service.

<Amendment 18.06.1989>

PART I.-APPOINTMENT.

5. Appointment to the Myanmar Judicial Service shall be made either directly or by promotion by a process of strict selection from among members of the Subordinate Judicial Service who have passed all their

prescribed departmental examinations by the Higher Standard. Members of the Subordinate Judicial Service, if otherwise qualified shall be eligible for direct appointment.

<Amendment 18.06.1989>

6. Vacancies in the Myanmar Judicial Service shall be filled as to one-half by promotion, and as to one-half by direct appointment.

<Amendment 18.06.1989>

7. A candidate for direct appointment to the Myanmar Judicial Service shall-

- (a) be a male British subject domiciled in Myanmar and have a good knowledge of the Myanmar language;
- (b) be under 27 years of age on the first day of January of the year of his candidature;
- (c) be of good moral character;
- (d) be certified in the prescribed form by a Commissioned Medical Officer in charge of a Civil Station or District to be physically fit for employment in the Subordinate Civil Judicial Service;
- (e) (i) possess the B. A or B.Sc. degree of the Rangoon or Calcutta University, and the B.L. degree of the Rangoon University, or a Law Degree of a University of the United Kingdom; or
- (ii) be entitled to practise as a Barrister in England or Ireland; or
- (iii) be a member of the Faculty of Advocates in Scotland; or
- (iv) have practised as an advocate of the High Court for at least two years.

NOTE 1.- A pass in Myanmar in the Anglo-Vernacular High School Examination or in the Lower "A" Grade of the Intermediate Examination of the University of Rangoon or a pass in Myanmar in any other examination of equal standard will be accepted as proof of a good knowledge of Myanmar.

NOTE 2.- In special cases the High Court may recommend to the Public Service Commission the relaxation of the age limit prescribed in this Rule.

NOTE 3.- In the case of persons qualifying for eligibility under clause (e) (iv) preference will normally be given to those in possession of a law degree.

<Amendment 18.06.1989>

8. (1) Candidates for direct appointment shall be required to pass a qualifying examination in law, to be held by the Public Service Commission.

NOTE.- Until otherwise prescribed, the qualifying examination in law shall be Advocateship examination and the standard required of candidates shall be the same as that required for admission as an Advocate of the High Court.

- (2) There shall be no qualifying examination for appointment by selection from the Subordinate Judicial Service, and the procedure in such cases shall be that for making promotions from one service to another by selection.

PART II.-PROBATION.

9. A person appointed to the Myanmar Judicial Service shall be on probation for two years. The Governor may without notice at any time within that period dispense with his services or revert him to any post on which he holds a lien, and will ordinarily take such action if he fails to obtain confirmation within the period of two years from the date of appointment:

Provided that a candidate who has passed the departmental examinations prescribed and who is considered fit for and is in charge of a post which is on the cadre of the Myanmar Judicial Service may be confirmed in his appointment before the expiry of the period of two years.

<Amendment 18.06.1989>

10. No person shall be confirmed in an appointment on the cadre of the Myanmar Judicial Service until he has passed the prescribed examinations by the Higher Standard.

<Amendment 18.06.1989>

PART III.- PAY.

11. Officers of the Myanmar Judicial Service shall be remunerated in accordance with the following monthly scales:-

- (1) Persons in the service before 1st September 1931-

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|-----|---------------------|-----|---|
| (a) | Selection grade | ... | Rs. 1,000- 50- 1,250. |
| (b) | Ordinary time-scale | ... | Rs. 350- 25- 750- 30- 900 with |
| | | | efficiency bars after the stages at Rs.550 and Rs. 750. |

- (2) Persons appointed on or after the 1st September 1931 but before the 20th May 1939:-

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|-----|---------------------|-----|----------------------------------|
| (a) | Selection grade | ... | Rs. 800- 40- 1,000. |
| (b) | Ordinary time-scale | ... | Rs. 300- 20- 700 with efficiency |

bars after the stages at Rs. 400 and Rs. 600.

Officers recruited by direct appointment shall draw pay at Rs. 250 per mensem while on probation, and on confirmation shall be brought on to the time-scale at the stage of Rs. 300.

Officers appointed by promotion from the Subordinate Judicial Service shall be brought on to the time-scale at the stage of Rs. 340.

(3) (a) No officer shall draw pay at a higher rate than Rs. 550 on the scale set out in sub-rule (1) or Rs. 400 on the scale set out in sub-rule (2) without the specific sanction of the Governor, in the case of an officer appointed to the service before the 1st April 1937, or of the High Court, in the case of an officer appointed after that date, which shall not be accorded unless-

- (i) the officer has passed all such departmental examinations as he is required to pass by the Higher Standard;
- (ii) his work and conduct have been and are satisfactory; and
- (iii) he is considered capable of holding any average appointment in his service.

(b) No officer shall draw pay at a higher rate than Rs. 750 on the scale set out in sub-rule (1) or Rs. 600 on the scale set out in sub-rule (2) without the specific sanction of the Governor, in the case of an officer appointed to the service before the 1st April 1937, or of the High Court, in the case of an officer appointed after that date, which shall not be accorded unless-

- (i) the officer's work and conduct have been and are satisfactory; and
- (ii) the officer is considered capable of holding satisfactorily any post on the cadre of his service.

(4) Members of the Myanmar Judicial Service appointed before the 20th of May 1939 who are appointed to hold posts of Assistant and Sessions Judges shall draw a special pay of Rs. 150 per mensem while holding these posts' with effect from the date on which they assume charge.

(5) Persons appointed to the Myanmar Judicial service on or after the 20th of May 1939 shall be paid at rates fixed in accordance with the Provisional Recruitment Rules, 1939, published in Finance Department Notification No. 55, dated the 20th May 1939.

<Amendment 18.06.1989>

12. In all other matters in respect of which provision is not included in these Rules, the members of the Myanmar Judicial Service shall be subject to the rules applicable to other servants of the Crown generally.

<Amendment 18.06.1989>

Section B.- Subordinate Judicial Service.**PART I.- APPOINTMENT.**

13. Appointment to the Subordinate Judicial Service shall be made either directly or by selection from among persons holding ministerial appointments in Courts or offices under the control of the High Court.
14. Vacancies in the Subordinate Judicial Service shall be filled as to one-fifth by selection and as to four-fifths by direct appointment.
15. (1) The following shall be eligible for appointment by selection to the Subordinate Judicial Service, namely, clerks employed in permanent posts in the High Court, the Rangoon Small Cause Court, the office of the Official Assignee, Rangoon, or a Court under the administrative control of a District and Sessions Judge. To be eligible a candidate shall-
- (a) be recommended for selection by the Registrar, High Court, the Chief Judge of the Rangoon Small Cause Court, the Official Assignee, or the District and Sessions Judge under whom he is serving, as the case may be;
 - (b) have completed seven years' continuous service (including officiating and temporary service and service as an apprentice);
 - (c) be under 31 years of age on the first day of January of the year in which he applies for appointment;
 - (d) be certified, in the prescribed form by a Commissioned Medical Officer in charge of a Civil Station or District to be physically fit for employment in the Subordinate Judicial Service; and
 - (e) produce two certificates as to his private character from non-officials of good standing, which shall be countersigned by the officer submitting the recommendation.
- (2) The Governor may prescribe such examination, written or oral, as he may think fit, to assist him in making appointments to the Subordinate Judicial Service by selection from ministerial appointments.
16. A candidate for direct appointment to the Subordinate Judicial Service shall-
- (a) be a male British subject domiciled in Myanmar and have a good knowledge of the Myanmar language;
 - (b) be under 25 years of age on the first day of January of the year of his candidature;
 - (c) be of good moral character;
 - (d) be certified in the prescribed form by a Commissioned Medical Officer in charge of a Civil Station or District to be physically fit for employment in the Subordinate Civil Judicial Service; and
 - (e) be in possession of a B.A. or B.Sc. degree of the Rangoon or Calcutta University.

Note 1.- A pass in Myanmar in the Anglo-Vernacular High School Examination or in the Lower "A" Grade of the Intermediate Examination of the University of Rangoon or a pass in Myanmar in any other examination of equal standard will be accepted as proof of a good knowledge of Myanmar.

Note 2.- Preference will normally be given to those candidates who have also a degree in law.

<Amendment 18.06.1989>

17. Candidates for direct appointment shall be required to pass a qualifying examination in law to be held by the Public Service Commission.

NOTE.- Until otherwise prescribed, the qualifying examination in law shall be the Pleadership examination, and the standard required of candidates shall be the same as that required for admission as a Pleader.

PART II.- PROBATION.

18. A person appointed to the Subordinate Judicial Service shall be on probation for a period of two years.

The Governor may without notice, at any time within that period dispense with his services or revert him to any post on which he holds a lien, and will ordinarily take such action if he fails to obtain confirmation within the period of two years from the date of appointment:

Provided that a candidate who has passed the departmental examinations prescribed and who is considered fit for and is in charge of a post which is on the cadre of the service may be confirmed in his appointment before the expiry of the period of two years.

19. No person shall be confirmed in an appointment on the cadre of the Subordinate Judicial Service until he has passed the prescribed examinations by the Lower Standard.

PART III.- PAY.

20. Officers of the Subordinate Judicial Service shall be remunerated according to the following monthly scales:-

(1) Persons in the service before the 1st September 1931:-

Rs. 200- 10- 300- (25/4) - 325 with an efficiency bar after the stage at Rs. 280.

(2) Persons appointed on or after the 1st September 1931 but before the 20th May 1939:-

Rs. 150- 10- 230- (25/3) - 275 with efficiency bars after the stages at Rs. 170 and Rs. 230.

Officers recruited by direct appointment shall draw a fixed pay of Rs. 125 per mensem while on probation and on confirmation shall be brought on to the time-scale at the stage of Rs. 150;

- (3) Personal allowances of Rs. 25 per mensem to the number of 3 per cent of the total number of posts on the cadre shall be admissible to selected members of the service who have served for not less than five years on the maximum of the ordinary time-scale and who have good records but have not been promoted to the Myanmar Judicial Service, provided that their character and conduct have been satisfactory and their services generally have been sufficiently meritorious to warrant the concession.
- (4) Members of the Subordinate Judicial Service when holding charge of a post borne on the Myanmar Judicial Service cadre shall draw special pay at the rate of Rs. 50 or Rs. 40 per mensem according as to whether they were in the Subordinate Judicial Service before the 1st September 1931 or were appointed on or after that date.
- (5) (a) No officer shall draw pay at a higher rate than Rs. 170 on the scale set out in sub-rule (2) without the specific sanction of the High Court, which shall not be accorded unless the officer's work and conduct have been and are satisfactory.
- (b) No officer shall draw pay at a higher rate than Rs. 280 on the scale set out in sub-rule (1) or Rs. 230 on the scale set out in sub-rule (2) without the specific sanction of the High Court which shall not be accorded unless-
- (i) the officer's work and conduct have been and are satisfactory;
 - (ii) he has passed all prescribed examinations by the Higher Standard, or has been specially exempted from this obligation by the High Court; and
 - (iii) he is considered competent to discharge efficiently the duty of any appointment on the cadre of the Subordinate Judicial Service.
- (6) Persons appointed on or after the 20th May 1939 shall be paid at rates fixed in accordance with the provisions of the Provisional Recruitment Rules, 1939, published in Finance Department Notification No. 55 of 20th May 1939.

<Amendment 18.06.1989>

21. In all other matters in respect of which provision is not included in these Rules, the members of the Subordinate Judicial Service shall be subject to the rules applicable to other servants of the Crown generally.

----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 SCHEDULE A. Sanctioned Strength of and the Appointments borne on the Cadre of the Burma Judicial Service.

[ATTACH LIST 2] 02 SCHEDULE B. Sanctioned Strength of and the Appointments borne on the Cadre of the Subordinate Judicial Service.

Myanmar Law Information System (MLIS)