

## APPENDIX-6

**QUALIFICATION FOR APPOINTMENT AS A SPECIAL  
JUDICIAL MAGISTRATE RULES\***

Notification No.HC.XI 2/74/7966/RC.— In exercise of the powers conferred under the proviso to sub-section (1) of Section 13 of the Code of Criminal Procedure, 1973, the High Court is pleased to make the following rules, specifying the qualification or experience in relation to legal affairs which a person shall possess for being eligible to be conferred with the powers of a Judicial Magistrate of the Second Class:

(i) These rules may be called “Qualification for Appointment as a Special Judicial Magistrate Rules.”

(ii) A person who holds or has held any post under the Government will be eligible for appointment as Special Magistrate if he has the following qualification or experience, namely—a degree in law of a recognised University or some experience of Judicial work as a Magistrate, and age not exceeding sixty five years:

Provided that an I.A.S Officer may be invested with the power of a Magistrate of a Second Class under Section 13 of the Criminal Procedure Code, 1973 without the above requisite being satisfied.<sup>1</sup>

Provided further that the experience of an Executive Magistrate trying cases under Section 107, 145, 133 etc. of the Code of Criminal Procedure for a period of at least one year<sup>2</sup> would be regarded by the High Court as having “some experience of judicial works as a Magistrate.”<sup>3</sup>

\* Published in the Assam Gazette, Part II-B, dated 3.7. 1974 at p.935.

*Note 1:* Inserted vide Correction Slip No. 1 Notification No.HC.XI-2/74/1576/RC., dated 6.2.1980 and published in the Assam Gazette, Part II-B, dated 20.2.1980 at p. 356.

*Note 2:* Substituted vide Correction Slip No. 3, Notification No.HC.XI-2/74/5092 RC., dated 11.3.1980 and published in the Assam Gazette, Part II-B, dated 26.3.1980 at p.605.

*Note 3:* Inserted vide Correction Slip No. 2 Notification No. HC.XI-2/64/5091/RC, dated 11.3.1980 and published in the Assam Gazette, Part II-B, dated 26.3.1980 at p.605.