

Departmental Examination of Assistant Public Prosecutors, Bihar Rules, 1986

BIHAR

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Rule

DEPARTMENTAL-EXAMINATION-OF-ASSISTANT-PUBLIC-PROSECUTORS, BIHAR RULES, 1986

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Departmental Examination of Assistant Public Prosecutors, Bihar Rules, 1986Published vide Notification No. G.S.R. 43, 18th January, 1989, dated the 24th December, 1991Home (Police) DepartmentG.S.R. 43, dated the 24th December, 1991. - In exercise of the powers conferred by Article 309 of the Constitution of India, read with sub-rule (2) of Rule 12 of the Rules for the Departmental Examination of Gazetted Officers published under the Appointment Department notification no. V/DE-109/61-A-13559, dated the 10th October, 1961 the Governor of Bihar is pleased to make the following rules for the Departmental Examination of Assistant Public Prosecutors:-General

1. Short title and commencement.

- These rules may be called the Departmental Examination of Assistant Public Prosecutors, Bihar Rules 1986.

2. Definition.

- It shall come into force from the date of its publication in the Bihar Gazette, in these rules, unless there is anything repugnant in the subject or context:-(a)"Government" means the Government of Bihar,(b)"Departmental Examination" means the departmental examination prescribed under rule 4 of these rules,(c)"Committee" means the Central Examination Committee constituted under Board of Revenue,(d)"Appendix" means an appendix to these rules, and(e)"Officer" means as Assistant Public Prosecutor.

3. Function and power of the Central Examination Committee.

- The functions and powers of the Central Examination Committee shall be the same as have been specified in Rules 4, 5, 6, 7, 8, 9 and 10 of the Rules for the Departmental Examination of Gazetted Officers published under notification no.V/DE-109/61-A-13559, dated the 10th October, 1961.

4. Subjects of Examination.

(1)The Departmental Examination of Assistant Public Prosecutors shall consist of examination in the following subjects:-(a)Law part I (Without books),(b)Law part II (With books),(c)Accounts, and(d)Hindi.(2)The syllabus for the examination will be as detailed in Appendix-I.

5. Liability of the Assistant Public Prosecutors.

- Assistant Public Prosecutors are required to pass the Departmental Examination specified in Rule 4 by higher standard.

6. Necessary of passing Examination.

(1)Assistant Public Prosecutor posted in any of the areas mentioned in Part I of Appendix II will have to pass the examination in the tribal language mentioned therein against the district in which he is posted, by the lower standard, within a period of eighteen months from the date on which he is posted to that district. If he fails to do so, his increment will be stopped until such time as he passes the examination:Provided that if an officer is prevented from passing the examination due to circumstances beyond his control, the Government may grant him such further time for passing the examination as they consider fit.(2)An officer whose increment has been stopped for failure to pass the compulsory examination in tribal language shall get his increment, as soon as he is transferred to a district outside the areas mentioned in Part I of Appendix II, or as soon as he crosses the age of 50 years, whichever is earlier.(3)The stoppage of increments under sub-rule (1) or sub-rule (2) shall not have cumulative effect.(4)An officer who is posted in Bihar outside the areas mentioned in Part I of Appendix II will be eligible to appear at the Optional Examination in the tribal language mentioned in Part II of Appendix II.

7. Procedure for appearance at the examination.

- An Officer desirous of appearing at the Departmental Examination required to send to the Director of Prosecution, Bihar through the proper channel, but not later than the 1st of May in the case of the first half yearly examination and the 1st of September in the case of the Second half yearly examination, an application in the form given in Appendix III.

8. Process of applications.

- From the applications referred to in Rule 7 the Director of Prosecution, Bihar will prepare and send a consolidated statement showing the particulars of the Offices and the subjects which they intend to appear, alongwith their applications, to the Secretary to the Committee latest by the 16th May/16th September, for the first/Second half yearly examination.

9. Steps to be taken by Secretary for examination.

- On receipt of such applications, the Secretary to the Committee shall take necessary steps to inform the Centre Superintendent about the candidates permitted to appear at each Centre and may also issue admit cards to the candidates for this purpose.

10. Probation.

- An Officer will be appointed on probation for a period of two years.

11. Confirmation.

- An Officer will be confirmed in his post after-(a)he has rendered two years of continuous service as an Assistant Public Prosecutor;(b)he has passed the Departmental Examination by higher standard completely; and(c)the Government consider the Officer suitable in all respects for confirmation in the post.

12. Regulation of Increments.

(1)A Probationary Officer, on appointment to the post of Assistant Public Prosecutor, will be entitled to draw his first increment in the prescribed scale of pay as soon as the following conditions are fulfilled:-(a)he has completed one year from the date on which he joined first appointment; and(b)he has successfully undergone the training prescribed by Government.(2)After a Probationary Officer has rendered himself eligible for the first increment, he will be entitled to draw the second increment as soon as the following conditions are fulfilled:-(a)he has completed two years of service;(b)he has passed the Departmental Examination by higher standard completely; and(c)he has been confirmed in his appointment.(3)A Probationary Officer will be entitled to draw his third and subsequent increments on the anniversaries of the date from which he draws his second increment subject to the provisions regarding crossing of the efficiency bar. If his confirmation is delayed due to delay in fulfilling the departmental obligations, on confirmation, he will be allowed the pay at the stage to which he would have been entitled, had his increment not been withheld. No arrear pay will, however, be paid to any Officer.

13. Crossing of Efficiency bar.

- An Officer will be allowed to cross the efficiency bar in the time scale of his pay when the Government are satisfied that he is capable of performing all the duties ordinarily expected of an Assistant Public Prosecutor. Appendix I (See Rule 4)

Part I – Law

1. The examination in law shall be directed as far as feasible to points which frequently arise in every day working of the law courts and the papers to be answered with the aid of books shall be such as will thoroughly test the capacity of the examinees to understand the bearing of facts and to ascertain the law and apply if certain facts of probable occurrence in real life should be stated, and the examinee required to find out and apply the law applicable to such facts only unannotated editions of Acts or Codes and Manuals issued by authority will be allowed in answering this paper.

2. There will be only one standard of examination. There will be two papers, one without books and another with books, each paper will carry 160 marks and will be of three hours duration. The minimum marks required for passing the examination in Law Paper I without books and Law Paper II with books will be 90 and 190 respectively.

3. The Acts and Code from which questions will be set in Law Paper I (without books) are shown below:-

(a) Indian Penal Code- Chapters II, IV, V, VIII, XI, XII, XV, XVI, XVII, XVIII and XXIII and definitions of all offences. (b) The Code of Criminal Procedure, 1973, Chapters to be revised IV to XXII, XXIV, XXV, XXXIX, XLV, XLI, XLII. (c) The Indian Evidence Act, Chapter II (Sections 3 to 35, 45 to 48, 51, 53 and 54), IV, V (Sections 61 to 65, 67 and 79 only), VII (Sections 101 to 106, 110 and 114 only), IX, X (Sections 135 to 149 to 162) only. (d) The Police Act, 1861. (e) The Police Act, 1888. (f) The Police Act, 1949. (g) Medical Jurisprudence- All amending Acts.

4. In Law Paper II (with books) questions will be set from Acts, Rules and Manuals given below:-

(i) The Indian Penal Code. (ii) The Code of Criminal Procedure. (iii) The Indian Evidence Act. (iv) The Bihar Panchayat Raj Act. (v) Police Manual. (vi) Military Police Manual. (vii) Indian Arms Act, 1959 (Act, 54 of 1959). (viii) The Indian Arms Rules, 1962. (ix) (a) The Indian Criminal Law Amendment Act, 1908 (XIV of 1908). (b) The Criminal Law Amendment Act, 1932 (XXIII of 1932). (c) The

Criminal Law Amendment Act, 1938 (XX of 1938).(d)The Criminal Law Amendment Act, 1952 (45 of 1952).(e)The Criminal Law Amendment Act, 1961 (23 of 1961).(f)The Criminal Law Amendment Act, 1966 (22 of 1966).(x)(a)The Criminal Law Amendment Ordinance, 1948 (XXXIX of 1943) (as amended).(b)The Criminal Law Amendment Ordinance, 1944 (XXXVIII of 1944).(c)The Criminal Law Amendment Ordinance, 1946 (VI of 1946).(xi)The Preventive Detention Act, 1950 (VI of 1950).(xii)The Prevention of Corruption Act, 1947 (II of 1947).(xiii)The Delhi Special Police Establishment Act, 1946 (XXV of 1946).(xiv)The Explosive Substances Act, 1908 (VI of 1908).(xv)The Cattle Trespass Act, 1871 (I of 1871).(xvi)The Press (Objectionable Matter) Act, 1951 (LVI of 1951).(xvii)The Indian Lunacy Act, 1912 (IV of 1912).(xviii)The Opium Act, 1857 (XIII of 1857).(xix)The Opium Act, 1878 (I of 1878).(xx)The Public Sarias and Paraos Act, 1867 (XXII of 1867).(xxi)The Indian Treasure Trove Act, 1878 (VI of 1878).(xxii)The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922).(xxiii)The press and Registration of Books Act, 1867 (XXV of 1867).(xxiv)The Cinematograph Act, 1918 (II of 1918).(xxv)The Cinematograph Act, 1952 (XXXVII of 1952).(xxvi)The Dramatic Performances Act, 1878 (XXIX of 1878).(xxvii)The Indian Telegraph Act, 1885 (XIII of 1885).(xxviii)The Indian Post Office Act, 1898 (VI of 1898).(xxix)The Indian Explosives Act, 1884 (VI of 1884).(xxx)The Motor Vehicles Act, 1939 (VI of 1939) and Rules.(xxxi)The Indian Railways Act, 1890 (IX of 1890).(xxxii)The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).(xxxiii)Bihar and Orissa Excise Act, 1915 (II of 1915).(xxxiv)Bihar Excise (Amendment) Act, 1940 (VII of 1940).(xxxv)Village Chaukidari Act, 1870 (Bengal Act, VI of 1870) and Rules.(xxxvi)Public Gambling Act, 1886 (Bengal Act I of 1886).(xxxvii)Private Fishers Protection Act, 1889 (Bengal Act II of 1889).(xxxviii)Bihar and Orissa Motor Vehicles Taxation Rules.(xxxix)Bihar and Orissa Motor Vehicles Taxation Act, 1930 (B. and O. Act II of 1930).(xl)Indian Official Secrets Act, 1923 (XIX of 1923).(xli)Identification of Prisoners Act, 1920 (XXXII of 1920).(xlii)Bihar Essential Service Maintenance Act, 1948 (Act I of 1948).(xliii)Bihar Maintenance of Public Order Act, 1950 (Bihar Act III of 1950), Amendment Act, 1951 (XX of 1951).(xliv)The Bihar Fire Services Act, and Rules.(xlv)Bihar Control of Criminal Act, 1981.(xlvi)The National Security Act, 1980.(xlvii)Constitution of India.(xlviii)Railway Property (Unlawful Possession) Act, 1966.(xlix)Esscetical Company, [sic]

Part II – Accounts

5. The text books in accounts and the portions to be studied in the same are detailed below. The examination will be with the aid of books. The questions will be such as to test the practical acquaintance of the candidates with the principles and provisions of the books prescribed. There will be one paper of 3 hours duration carrying 160 marks. The minimum marks required for passing the examination in accounts will be 90.

(i)Police Manual, 1930, Chapter XXIV (Accounts).(ii)Bihar Service Code:

**Chapter 2
, Chapter 3 (Except Rules 61 to 66).**

**Chapter 4
, Chapter 5 (Except Rules 110 to 136).**

**Chapter 6
(Except Rules 160, 191 to 195).**

**Chapter 7
(Except Rule 161), Chapter 9.**

Appendix I relating to powers concerned on Police Officer. Appendix VI relating to Police Department, Appendices from 9 to 13. (iii) T.A. Rules.

Part III – Hindi

6. There will be only one written paper in Hindi (in Devnagri Script) carrying 200 marks. The duration of the examination will be three hours. The marks will be distributed as follows:-

(i) Noting-50. (ii) Drafting-50. (iii) Correction of sentences-20. Officers securing 60 per cent marks and above would be declared to have passed the examination.

7. There will be a viva voce examination in Hindi which will carry 100 marks. The copies for the viva voce examination will be as follows:-

(i) Conversation on general topics-40 marks. (ii) Testing knowledge of technical words and expressions generally used 30 marks. (iii) Reading of Hindi manuscripts and their oral translation into English and reading of passages in English and their oral translation into Hindi-30 marks. The minimum marks required for passing in viva voce examination will be 60 percent.

8. An officer has to obtain the minimum pass marks separately in the written examination and the viva voce examination for being declared to have passed in Hindi.

9. The following books are recommended:-

(i)Navin Hindi Praveshika.(ii)Prashikshan Vyakhyan Mala Part IIAppendix II(See Rule 6)Study of Tribal Languages

Part I – Compulsory examination in tribal languages.

1. An officer posted in any of the areas mentioned below must pass the compulsory examination in the tribal language noted against the district in which he is posted:-

1. Hazaribagh-Santhali.

2. Ranchi-Mundari.

3. Palamau-Oraon.

4. Singhbhum-Ho.

5. Santhal Parganas-Santhali.

6. Dhanbad (only Chas and Chandan Kiari Police-Station of Baghmara Sub-Division of the district of Dhanbad)-Santhali.

2. The tests which a candidate must undergo at the compulsory examination are as follows:-

(a)He must be able to converse freely with the people of the tribe, to understand and to make himself understood by them;(b)he must write down sentences spoken in the tribal language by one of the tribes and must explain the sentence correctly in English or Hindi; and(c)he must translate from English or Hindi into the tribal language sentences not of more difficult nature than those described in clause (b) and the translation must be substantially correct and intelligible to people of the tribe initially correct and intelligible to people of the tribe in whose language it is written.

3. (a) The standard prescribed for the compulsory examination is the lower standard. In order to pass by this standard, the examinee must obtain not less than 50 per cent of the marks allotted to each branch of examination and 66 per cent of the aggregate.

(b)The examinee shall be declared to have passed by the higher standard if he obtains not less than

60 per cent of the marks allotted to each branch of the examination and 75 per cent of the aggregate. Passing by the higher standard shall be optional for all officers. An officers who passes by the lower standard shall be eligible to re-appear at the examination for the higher standard, while an officer who passes by the higher standard shall be declared to have passed by that standard even though he has not previously passes by the lower standard.

4. Notwithstanding anything contained in paragraphs 2 and 3 above, the compulsory examination in the case of officer who has put in 15 years or more of service shall consist only of an oral test in which the examinee must be able to converse freely with the people of the tribe to understand and to mark himself understood by them. In this test the examinee shall declared to have passed, if he secures not less than 50 per cent of the marks.

5. If an Officer is posted to one of the district named in paragraph 1 of this Appendix and duly passes the examination in the tribal language prescribed for that district and is sequently posted to another district named in the same paragraph for which a different tribal language is prescribed, it shall not be necessary for him to pass the examination in the tribal language of the latter district.

6. If an Officer knows one of the language mentioned in paragraph 1 of this Appendix as his mother tongue and is posted to a district for which that very language has been prescribed as the compulsory tribal language he shall not be required to pass the compulsory examination in that language. If however, he is posted to a district for which the prescribed tribal language is different from the tribal language which he knows as his mother tongue, he shall be required to pass the compulsory examination in the tribal language of that district.

7. Examinations in the tribal languages shall be held once in six months in January and June each year. The Commissioners of North and South Chhotanagpur and Santhal Pargana Divisions will be responsible for conducting these examinations. There shall be uniformity in the standard of Examination held in both the Divisions. The same set of question papers shall be set for examination in one particular language to be held on a particular date. The examination shall be held at the district Headquarters and the District Officer shall under the supervision and control of the Commissioner, be made responsible for conducting the examination.

8. The prescribed text-books in the different tribal languages are the following:-

Name of Language.	Name of prescribed text book.
1. Santhali	Santhali praveshika parts I and II by Shri Doman Sah, 'Samir' Editor of the "Hor Sambad" published by Santhal Paharia, SevaMandal, Deoghar.
2. Mundari	A Mundari Grammer with Exercises by Rev. J. Hoffman S.J. Catholic Mission, Ranchi.
3. Oraon	Kath Ara Kath Billin Id-u by Dr. Christ Michael Tiga, K.B. Kadru, Ranchi.
4. Ho	Ho Kaji, by Shri Bhim Ram Sulanki, Chaibassa.

9. Rewards will be given as mentioned below to the Officer who passes the examination mentioned in paragraph I of this Appendix, within the stipulated time. Subject to the condition that from all rewards granted, any rewards previously drawn for the same language will be deducted.

Lower Standards-Rs. 750. Higher Standard-Rs. 1,000. Note. - (i) An officer, who appears only at the oral test, as provided in paragraph 4 above, shall not be entitled to any reward. (ii) No reward shall be given to any officer for proficiency in a second language of the same group. The groups are-Group I-Ho, Mundari, Santhali. Group II-Oraon, Rajmahal Paharia. Group III-Nepalese Paharia of Khas Kura.

10. The Commissioners, conducting the examination will report to Government the names of officers declared to have passed by each Standard.

Part II – Rules for the Optional Study of Tribal Languages

11. Officers posted outside the areas mentioned in part I of this Appendix will be eligible to appear at the optional examination in the languages noted below:-

Group I-Ho, Mundari, Santhali. Group II-Oraon, Rajmahal Paharia. Group III-Nepalese Paharia or Khas Kura.

12. The test which an Officer must undergo shall be as in part I of this Appendix. In addition, the examination in Nepalese Paharia shall include a test in which the examinee must transliterate and translate into English or Hindi a paper in the current written (not printed) form of character of the

language.

13. The standards of the optional examination and the percentage of marks required for passing by each standard shall be the same as for the compulsory examination in other tribal languages laid down in paragraph 3 of this Appendix.

14.

The examination shall be conducted under the control of the Commissioner, Chotangpur (South and North) and Santhal Pargana Divisions, who will convene local committees for the purpose. Commissioner of Santhal Pargana. Group I-Santhali. Group II-Rajmahal Paharia. Group III-Nepalese Paharia. Commissioner of Chotanagpur (North and South) Group I-Ho and Mundari. Group II-Oraon.