

Bihar Police Sub-ordinate Services Commission Rules, 2017

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Rule

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Bihar Police Sub-ordinate Services Commission Rules, 2017Published vide Notification No-4/B1-10-37/2016-6836/H.P., dated 23.8.2017No-4/B1-10-37/2016-6836/H.P. - In exercise of the powers conferred under section-14 of the Bihar Police Sub-ordinate Services Commission Act, 2016 the Governor of Bihar is pleased to make the following Rules for the constitution of The Bihar Police Sub-ordinate Services Commission for recommendation of appointment to the various posts of Group-C having designated uniform of the Bihar Police and other Departments:-

1. Short title, extent and commencement.

(1)These rules may be called The Bihar Police Sub-ordinate Services Commission Rules, 2017.(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force at once.

2. Definition.

- In these Rules, unless otherwise requires in the context -(i)"State Government" means the State Government of Bihar;(ii)"Department" means the Home Department (Police Branch);(iii)"Act" means the Bihar Police Sub-ordinate Services Commission Act, 2016 (Bihar Act No-16);(iv)"Commission" means the Bihar Police Sub-ordinate Services Commission and it includes its Chairman and all the other Members:Provided that in case of absence of any Member on leave or otherwise, the Commission shall be deemed to be constituted comprising of the Chairman and rest members;(v)"Chairman" means the Chairman of the Bihar Police Sub-ordinate Services Commission appointed by the State Government under section-3 of the Act;(vi)"Member" means a Member of the Bihar Police Sub-ordinate Services Commission appointed by the State Government, under section-3 of the Act;(vii)"Service and Cadre" means a service or a cadre in which for

appointment, the recommendation of the Commission is required under section-8 of the Act;(viii)"Post" means any post to which for appointment, the recommendation of the Commission is required under section-8 of the Act;(ix)"Secretary" means the Secretary of the Commission appointed by the State Government and it includes the officer authorized by the Chairman to perform the function of the Secretary, in the absence of the Secretary.

3. Status, Pay and facilities of the Chairman of the Commission.

(1)Government may appoint/ nominate serving or retired officer of the rank of Director General of Police/ Additional Director General of Police to the post of the Chairman of the Commission.(2)Serving officer, appointed/nominated as the Chairman of the Commission, shall be provided the pay of his post and all facilities admissible to a Departmental Secretary.(3)Pay equivalent to last pay of his service period and all facilities admissible to a Departmental Secretary shall be provided to retired officer appointed as the Chairman of the Commission.However, if an officer after his retirement is appointed as the Chairman of the Commission, he will be paid as salary from the date of his appointment, after deducting the amount of pension, which he is to get after retirement from the date of retirement (including that part of the pension which has been commuted) and the amount equivalent to other retrial benefit from his earlier service.

4. Status, Pay and facilities of the Member of the Commission.

(1)(a)The State Government may appoint/ nominate two serving or retired officer of the rank of Inspector General of Police/ Deputy Inspector General of Police/ Superintendent of Police to the posts of the Members of the Commission.(b)One of the two Members will be nominated as the 'Member-Secretary' by the Chairman.(c)Department shall nominate maximum 2 (Two) Members, not below the rank of Joint Secretary, from other departments such as, Home Department, Environment and Forest Department, Registration, Excise & Prohibition Department, Transport Department and Disaster Management Department. At least one member shall be from Scheduled Caste/Scheduled Tribe in the said Members.(2)Members of the Commission, shall be eligible for the pay and all the facilities admissible to the officers of equivalent rank working in the state government.(3)Pay equivalent to last pay of his service period and all facilities admissible to a departmental secretary shall be provided to a retired officer appointed as member of the Commission.However, if an officer after his retirement is appointed as the Member of the Commission, he will be paid as salary from the date of his appointment, after deducting the amount of pension, which he is to get after retirement from the date of retirement (including that part of the pension which has been commuted) and the amount equivalent to other retrial benefit from his earlier service.(4)In case of pay revision after the appointment of Chairman/ Members, the pay of Chairman/ Members shall be revised in the same Matrix in which pay of working/ retired employees is revised.

5. Leave to the Chairman and the Members of the Commission.

- The procedure for sanction of leave to the Chairman and the Members of the Commission shall be the same as applicable to the officers of the equivalent rank. In the absence of the Chairman on leave

or otherwise, the senior most Member shall hold the charge of the administrative work of the Chairman.

6. Power and functions of the commission.

(1)As per Section-8 of the Act, the Commission may select and recommend for appointment to all cadres and posts of Group-C having designated 'Uniform' and prescribed physical ability and efficiency tests as well as such other posts having maximum Grade Pay upto Rs. 4200/- in the different departments under the State Government as mention in the appended Schedule of the Act.(2)The recommendations of the Commission will be valid for one year with effect from the date of its receipt in the Department. Provided the Commission shall have power to revalidate its recommendation for further one year.

7. Transaction of Business of the Members of the Commission.

- The transaction of business as specified in Schedule-1 and 2 of these Rules shall be made by the Commission and the Chairman of the Commission respectively.

8. Functions and Responsibility of the Members of the Commission.

(1)The Business mentioned in Schedule-1 of these Rules shall be executed by the Chairman and the Members of the Commission. Likewise, the business mentioned in Schedule-2 shall be executed by the Chairman of the Commission.(2)The Chairman of the Commission may entrust the responsibilities of the Examination Controller to any one of the Members and the responsibilities of the Administrative Section to any one of the other Members. Other Members of the Commission shall perform the other responsibilities, in consultation with the Chairman.

9. Proceeding of the Meetings of the Commission.

(1)All decisions of the Commission shall be recorded in the meeting by the Secretary or any other officer authorised by the Chairman. If any Member dissents any decision, it shall be recorded in the proceeding. In case of difference of opinion the decision shall be taken by majority.(2)The proceeding of the meeting shall be confirmed in the next meeting of the Commission.(3)The decisions of the Commission shall be communicated by a letter signed by the Secretary or by an officer authorised by the Chairman.(4)The proceedings of the Commission will be confidential and will not be communicated without the permission of the Commission.

10. Financial Powers.

(1)Within the budget allocation, the Commission shall have the power to sanction expenditure for office administration except purchase of a motor vehicle.Provided that the Commission shall have full power to purchase for conducting the examinations and other departmental purchase to execute the contract and to sanction any other expenditure for office administration. For the contingent

expenses, the Chairman shall have powers under rule 110(2) of the Bihar Financial Rules.(2)The Commission shall have power to sanction the advances and withdrawals of money more than Rs. (1,00,000/-) One Lakh from treasury for conducting of examination as per the terms and conditions laid down in Rule-177 of Bihar Treasury Code. The Chairman of the Commission shall have this power up to Rs. One Lakh. In cases related to purchase, advance money shall be drawn from treasury only when there is such condition in the approved tender.(3)Procedure laid down in item 39 of appendix 5 of the Bihar Financial Rules Part-II shall be applicable in the matters related to expenditure to be incurred on printing of question papers and evaluation of answer sheets.(4)Expenditure by the Commission shall be deductible under Major Head-2051- Public Service Commission, Sub Major Head -00- Minor Head- 103- Staff Selection Commission, Sub Head-0003- Bihar Police Sub-ordinate Services Commission, Bill Code-N2051001030003.(5)The Commission shall keep the amount received from Government and the amount received by miscellaneous receipts in a bank by opening an account. There shall be separate bank account for the fees received from the candidates and this amount shall be deposited in the treasury under Major Head-0051-Public Service Commission, Sub Major Head -00- Minor Head- 105- State Public Service Commission Examination Fee, Sub Head-0004- Bihar Police Subordinate Services Commission Examination Fee, Bill Code- R0051001050004 immediately by the end of the month. The detail of the revenue received as fee shall be sent to the Department every year.

11. Officers and Staff of the Commission.

(1)Strength of posts of the subordinate officers and staff for conducting work of the Commission shall be the same as may be sanctioned by the Government, from time to time. Officers and staff shall be made available by the General Administration Department against approved sanctioned strength of the posts. The Service of certain posts, like- peon, driver, computer programmer, computer operator shall be taken by the Commission on the basis of contract from any institution at fixed pay, fixed by the Government/Beltron till the regular appointment.(2)The Conditions of service of the Officers and Staff of the Commission shall be the same which are applicable to the Government servants. The rules, resolutions, orders regarding disciplinary action as applicable to the Government servants of equivalent rank shall be applicable to the Officers and Staff of the Commission.(3)The Commission may engage on contract the services of persons for specified period for smooth conduct of examinations in addition to the post sanctioned by the Government on the basis of advertisement and the Commission shall terminate their services as soon the examination procedure is over. The Commission shall obtain the prior approval of the State Government on the number of such persons to be engaged and on the rate of the amount payable to them.

12. Financial provisions.

(1)Annual expenditure to be incurred on establishment of the Commission shall be borne by the Home Department (Police Branch) by providing the required fund under its budget head.(2)The Commission shall prepare the budget estimates every year and send it to the Department so that it may be included in the budget of the Department.

13. Control on expenditure.

- The Controlling officer of the Commission shall control over the expenditure and perform the responsibilities conferred under Rules 471 to 479 of the Bihar Financial Rules. Maintenance of account and its audit will be made as per the procedure prescribed by the State Government. Relevant information and reports in this regard shall be made available by the Commission to the Department, from time to time.

Schedule 1

Business to be Transacted by the Commission.(i)Annual report of the Commission;(ii)Scheme of Examinations and syllabus under Rules made under section 12(2) of the Act;(iii)All cases in which a new policy is required to be formulated for submission to Government;(iv)Any case in which the existing policy is required to be amended/revised for submission to Govt;(v)Such cases in which a decision is required to be taken regarding framing of the rules for holding Competitive Examinations for recruitment to posts and services;(vi)Any case in which recruitment rules have been framed and the Commission has to formulate the procedure of recruitment;(vii)Submit draft of work conduct regulation of the Commission for transacting of business to the Government;(viii)Submit proposals for exclusion from the jurisdiction of the Commission or extension of function of the Commission for the approval of the Government;(ix)Subjects related to research of Examination Method;(x)Preparation of panel for constitution of Interview Board;(xi)Preparation of panel of Advisors/Experts and structure of the Board;(xii)Fixing the dates of interview;(xiii)Fixing the dates of examination and centres of examination and the venue of evaluation centres;(xiv)Constitution of panel of Advocates;(xv)Advertisement and notification for recruitment and selection of newspapers in which advertisements are to be published;(xvi)Approval of results of examinations and interview;(xvii)System development and other works pertaining to technical aspect of Data processing and Electronic Data Processing Branch;(xviii)Review of answer books on application of candidates;(xix)Any other matter which the chairman places before the Commission for consideration and decision;(xx)Any other matter not covered by these rules and to be sent to the Government for approval after drafting the proposal;

Schedule 2

Business to be Executed by the Chairman(i)General administration of the Commission;(ii)Co-ordination of works of the Commission including convening the meeting of the Commission;(iii)Allocation of business amongst the members;(iv)Endorsement of any file for examination to any member nominated by the Chairman;(v)Appointment of paper-setters, moderators and examiners;(vi)Approval of printing of question papers;(vii)The Chairman may place any specific matter before Commission for disposal as per necessity or in public interest;(viii)Scrutiny of statement of facts or filing of affidavit in the courts cases;(ix)Constitution of Board from the panel approved by the Commission and fixing the dates of interview;(x)Power to engage the advocates from the panel approved by the Commission;(xi)Matter entrusted by the Commission from time to time in the interest, of the work.