

Bihar Jails Nai and Safai Mazdoor Cadre Rules, 2011

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Rule

BIHAR-JAILS-NAI-AND-SAFAI-MAZDOOR-CADRE-RULES-2011 of 2011

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Bihar Jails Nai and Safai Mazdoor Cadre Rules, 2011 Published vide Notification Bihar Government, Home Department, Notification No. 1494, dated 01.04.2011 Last Updated 31st January, 2020 Bihar Government, Home Department, Notification No. 1494, dated 01.04.2011. - In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Bihar makes following Rules to regulate the recruitment and services on the post of Nai and Safai mazdoors of Bihar Jails: -

1. Short title, extent and commencement.

(1) These Rules shall be called "Bihar Jails Nai and Safai Mazdoor Cadre Rules, 2011". (2) These rules shall apply to the whole of the State of Bihar. (3) These rules shall come into force with immediate effect.

2. Definitions.

- In these Rules, unless the context otherwise requires - (i) "State Government" means the Government of Bihar; (ii) "Appointing Authority" means concerned Jail Superintendent; (iii) "Controlling Authority" means concerned Jail Superintendent; (iv) "Department" means Home Department; (v) "Inspectorate of Prisons" means office of the Inspector General of Prisons; (vi) "Screening Committee" means Committee constituted under the Chairmanship of Jail Superintendent of the Circle Jail, and (vii) "Out Source" means the agency or organisation through which personnel shall be hired and the wages for the work shall be given to that concerned agency or organisation.

3. Constitution of Cadre.

- This cadre shall comprise of such number of posts/strength as sanctioned and notified by the State Government from time to time.

4. Reservation.

- The reservation policy for appointment determined by the State Government from time to time shall be applicable.

5. Recruitment.

(1) Recruitment shall be made on the post of Nai for personal hygiene of prisoners in Jails and on the post of "Safai Mazdoor" for sanitary work within jails of the State. (2) In the light of the order passed by Hon'ble High Court in LPA No. 284/97 dated 11.12.06, one opportunity for appointment shall be given to working Nai and Safai Mazdoor and, thereafter, rest of the posts and such posts vacated by Nai/ Safai Mazdoor appointed thus, services shall be outsourced as per prescribed procedure and on fixed salary/wages as prescribed by the Government from time to time.

6. Qualification.

- (i) Minimum Educational Qualification. - As prescribed by the State Government for Group 'D' (Class-I V), class eight pass or as decided by the State Govt, from time to time. (ii) Age. - Minimum age shall be 18 years and maximum age shall be the same as decided by the State Government (General Administration Department). (iii) Applicant shall have to be physically fit, for which a fitness test shall be held by a medical board constituted under chairmanship of Civil Surgeon before appointment. (iv) The appointing authority shall have the power to relax the age limit for those Nai/Safai Mazdoors who were working till the prescribed cut off date issued by the State Government from time to time, in the light of the order passed in LPA No-284/97 dated 11.12.06 by Hon'ble Patna High Court.

7. Process of recruitment.

- (A) (1) In the light of the order passed in LPA No-284/97 dated 11.12.06 by Hon'ble Patna High Court, to provide an opportunity for appointment on regular pay scale to previously working Nai and Safai Mazdoors, advertisement shall be published in at least two local daily newspapers. (2) A Screening Committee for screening applications received from Nai/Safai Mazdoor working upto the cut off date as decided by the State Government from time to time in the jails of the State, shall be constituted as follows: -

1. Jail Superintendent of the Circle Jail
2. All Jail Superintendents of the Circle

-
Chairman
- Members

3. An SC/ST Officer nominated by the DistrictMagistrate - Member

(3)The presence of at least three from Jail Superintendents and total five, members in the meeting called by the Screening Committee shall be mandatory. This Committee, as per the guidelines issued by the Inspector General of Prisons from time to time, after screening the list of applicants, shall make recommendations for appointments to the Inspector General of Prisons.The Superintendent of the concerned Jail shall, on the basis of recommendation received through the I.G. Prisons, issue appointment letters after medical test of the candidates.(B)Process of recruitment through Out Sourcing. - Applications shall be received for the service through open advertisement by the I.G. Prisons from recognized agencies/organisations.The concerned agencies/organisations shall have to guarantee the character and good behaviour of the personnel provided for the service.

8. Pay Scale and Service Condition.

- The employees appointed in regular pay scale will be allowed either pay scale Rs. 2550-3200/- (unrevised) and Pay Band-1 S, scale 4440-7440 and Grade Pay-1300 (revised), or any other pay and allowances as prescribed by the State Govt, from time to time.Employees hired through outsourcing will be allowed to get prescribed fixed wages through the concerned agencies/organisations as per the contract.

9. Cadre.

- The cadre shall be of Group 'D' according to the classification made by the Govt, from time to time. The cadre shall be limited to concerned Jail only.

10. Discipline, Appeal and Punishment.

(1)The Provisions of the Bihar Government Service (Classification, Control and Appeal) Rules, 2005 shall apply in case of Nai and Safai Mazdoor appointed on regular pay scale.The concerned Jail Superintendent shall get the services of an employee replaced by another one through the agencies/organisations if his/her services are not found satisfactory.(2)Services of such workers shall neither, in any way and in any form, be counted as a Government service nor any claim for regular service shall be made by such workers in any way.

11. Repeal and interpretation.

(1)All resolutions/circulars/orders issued previously regarding the posts of Nai and Safai Mazdoor shall be deemed to have been repealed with effect from the date on which these Rules shall come into force.(2)Power of interpretation of any kind of doubt regarding provisions of these Rules shall be vested in Inspectorate of Prisons with approval of the Government.