

Rules for the Departmental Examination of the Superintendents and Inspectors of Excise, 1970

JHARKHAND

India

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Rule

RULES-FOR-THE-DEPARTMENTAL-EXAMINATION-OF-THE-SUPERIN **of 1970**

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Rules for the Departmental Examination of the Superintendents and Inspectors of Excise, 1970Published vide Notification No. S.O. 814, dated 21st July, 1970, published in Bihar Gazette (extra-ordinary) 9.9.1970S.O. 814, dated the 21st July 1970. - In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, read with rule 12 of the Rules for the Departmental Examination of Gazetted Officers, the Governor of Bihar is pleased to make the following rules for the Departmental Examinations of the Superintendents and Inspectors of Excise, namely:-

1. Short title.

- These rules may be called the Rules for the Departmental Examination of the Superintendents and Inspectors of Excise.

2. Definitions.

- In these rules unless there is any thing repugnant in the subject or context,-(a)"Government" means the Government of [Bihar] [This may now be read as 'Jharkhand'.];(b)"Departmental Examination" means The Departmental Examination of Superintendents and Inspectors of Excise;(c)"Committee" means the Central Examination Committee constituted under rule 3 of "Rules for the Departmental Examination of Gazetted Officers" vide Appointment Department notification no. V/DE-109/61A-13559, dated the 10th October 1961;(d)"Officer" means a Superintendent of Excise, an Inspector of Excise and a Sub-Inspector of Excise.

3. Subjects of Examination.

(1)The Departmental Examination for the Superintendents of Excise and Inspectors of Excise shall consist of examination in the following subjects, namely:-(a)Law (Excise and Criminal).(b)Excise Rules and Procedure.(c)Accounts.(d)Hindi.(2)The syllabus for the examination will be as detailed in Appendix I.

4. Liability of Superintendents and Inspectors of Excise.

(a)Every Inspector of Excise is required to pass the Departmental Examination in Law (lower standard), Excise Rules and Procedure (both lower and higher standards) and Hindi (lower standard).(b)On promotion to the rank of Inspector of Excise, every Sub-Inspector of Excise shall have to pass the Departmental Examination in Law (Excise and Criminal) (lower standard). Excise Rules and Procedure (lower and higher standards) and Hindi (lower standard).(c)For promotion to the rank of Superintendent of Excise, every Inspector of Excise shall have to pass in Law (higher standard), Accounts and Hindi (higher standard).No candidate may appear in a subject by the higher standard till he has passed in that subject by the lower standard.

5. Passing of examination in tribal language.

- (i) Any officer of the rank of Superintendent of Excise and Inspector of Excise posted in the areas mentioned in 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 18 months from the date on which he is posted to that district. If he fails to do so, his increments will be stopped until such time as he passes the examination:Provided that if an officer is prevented from passing the examination by circumstances beyond his control, Government may grant him such further time for passing the examination as they consider fit.(ii)An officer whose increments have been stopped for failure to pass the examination completely in a tribal language shall get his increments, as soon as he is transferred to a district outside the areas mentioned in Appendix II, or as soon as he crosses the age of 50 years, whichever is earlier.(iii)The stoppage of increments to sub-rule (i) or sub-rule (ii) of this Rule shall not have cumulative effect.(iv)An officer of the rank of Superintendent of Excise posted in [Bihar] [This may now be read as 'Jharkhand'.] outside the areas mentioned in Appendix II will be eligible to appear at the optional examination in the tribal language mentioned in Part II of Appendix.

6. Procedure for appearing at the examination.

- An officer desirous of appearing in the Departmental Examination is required to send to his District Officer, or Head of the Department through proper channel, but not later than the first May in the case of the 1st half-yearly examination and the 1st of September in the case of the 2nd half-yearly examination an intimation in the form given in Appendix III of his intention to appear at the examination.

7. Consolidated statement showing particulars of officer.

- From the applications referred to in the above rule, each District Officer or Head of Departments will prepare and send a consolidated statement showing the particulars of the officer and the subjects and standards in which they intend to appear, alongwith their applications to the Secretary to the Central Examination Committee constituted by Government to direct and control the departmental examinations, latest by the 16th May/16th September for the first/second half-yearly examination.

8. Secretary to take necessary steps.

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

9. Confirmation.

- A Superintendent of Excise will be confirmed after-(a)he has rendered two years of service as an Excise Superintendent; and(b)Government consider the officer suitable in all respects for confirmation.An Excise Inspector will be confirmed in the service after-(a)he has rendered two years of service as Excise Inspector;(b)he has passed the Departmental Examination completely as mentioned in rule 2 above; and(c)the Board consider the officer as suitable in all respects for confirmation in the service.

10. Regulation of increments.

- An Excise Superintendent will be entitled to draw his increments in accordance with rule 85 of the Jharkhand Service Code. An Excise Inspector will be entitled to draw his first increment one year after the date of his appointment to the service or on the date of passing the Departmental Examination in Law, Excise Rules and Procedure and Hindi by lower standard, whichever, be later. He will be entitled to draw his second increment on completion of two years of service and also on passing the Departmental Examination by higher standards in Excise Rules and Procedure:Provided that if the passing of the Departmental Examination or the confirmations of the officer be delayed, the officer will be entitled, on fulfilling the conditions above, to draw pay at the stage in the time scale to which he would have been entitled, had there been no delay in passing of the Departmental Examination or his confirmation.Appendix ISyllabus For The Departmental ExaminationSection A - Law

1. The examination in Law shall be directed as far as may be feasible to points which frequently arise in practical work; 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 it. The question should be confined as much as possible to cases commonly arising in the ordinary routine of the office of a Superintendent of Excise, or Excise Inspector. Certain facts of probable occurrence in real practice should be stated, and the examinee is required to find 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. For the purposes of examination of these officers, the course prescribed for the lower standard examination in Law without books will consist of-

(1)The Bihar and Orissa Excise Act.(2)The Indian Opium Act.(3)The Power Alcohol Act.(4)The Molasses Control Act.(5)The Medicinal and Toilet Preparation Act.(6)The Indian Penal Code, 1860-Chapters I, II, IV, IX, X, XIII. Sections 269 to 277, 284, 290 and 291 f Chapter XIV.(7)The Criminal Procedure Code, [1898-(Now 1974)] [Now 1973 (2 of 1974).] Chapters I, V, VI, XIV, XX to XXI, XXXIX and XLII.(8)The Indian Evidence Act, 1872-Chapters I to V and X.(9)The Bihar and Orissa Opium Smoking Act, 1928 (Act II of 1928).(i)The Dangerous Drugs Act, 1930 (Act II of 1928)(ii)All Amending Acts.

3. The higher standard examination in Law will besides stiffer test in the books prescribed for the lower standard comprise also question on Sections 60 and 63-70 of Chapter III and Chapter XI of the Indian Penal Code and Chapters IV, VII, XIII, XVI, XIX to XXII, XXXVIII and XLI of the Code of Criminal Procedure. The examination will be without the aid of books.

Section B - Excise Rules and Procedures (With Books)

4. The books prescribed for the examination in Excise Rules and Procedures by both standards are-

(i)Excise Manual of the Board of Revenue.(ii)Technical Excise Manual.(iii)Rules framed under the Power and Alcohol Act, 1942.(iv)Rules framed under the Molasses Control Act, 1947.(v)Rules framed under the Medicinal and Toilet Preparation (Excise Duties) Act, 1955.The examination will be with the aid of books.

5. The books prescribed for the examination in Accounts are as follows:-

(i)The Bihar Service Code.(ii)The Bihar Travelling Allowance Rules.(iii)The Bihar Pension Rules.(iv)The Bihar Treasury Code, Volume I - Chapter I, Chapter II, Sections I and IV, Chapter III, Chapter IV, Section I, Chapter V, Section I to Section V, Section VII and Section IX, Chapter VI, Section II, Section III and Section V and Chapter VIII, Section III.(v)The Budget Manual.(vi)An

introduction to the Indian Government Accounts and Audit (Second Edition) published in 1940 under the authority of the Auditor General of India, Chapters 24, 25 and 26. The examination will be with the aid of books. Section D - Hindi

6. (a) There will be only one written paper in Hindi (in Devanagari script) carrying 200 marks. The duration of the examination will be three hours.

The marks will be distributed as below:-

- (i) Noting ... 30
- (ii) Drafting ... 50
- (iii) Translation ... 80 (Hindi to English-40. English to Hindi-40).
- (iv) Correction of sentences ... 20

Officers securing 50 per cent and above in the written paper will be declared to have passed by the higher standard. (b) The viva-voce examination in Hindi will carry 100 marks. The topics for viva-voce 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 manuscript and their oral translation into English and reading of passages in English and their translation into Hindi-30 marks. (c) The minimum marks required for passing in the viva-voce by the lower standard and higher standard will be 50 percent and 60 percent respectively. An officer has to obtain the minimum pass marks separately in the written examination and viva-voce for being declared to have passed in Hindi by either standard. (d) The following books are recommended:- (i) Navin Hindi Praveshika. (ii) Prashikshan Vyakhyan Mala, Parts I and II.

Subject	Maximum Marks.		Pass Marks.		Time allowed.
	Higher	Lower	Higher	Lower	
1	2	3	4	5	6
Law	100	100	50	60	3 Hours
Excise Rules and Procedure	100	100	50	60	Ditto
Accounts with Books	100	100	50	60	Ditto
Hindi	300	300	150	180	Ditto

Appendix II Study of Tribal Language Part-I Compulsory Examination in tribal languages.

1. An officer posted in 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 Chandankiari Police Stations of Baghmara subdivision 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 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 tribe, and must explain the sentences 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 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 officer who passes by the lower standard shall be eligible to re-appear at the examination for the higher standard, while an officer who passed by the higher standard shall be declared to have passed by that standard even though he has not previously passed by the lower standard,

4. Notwithstanding anything contained in paragraphs 2 and 3 above the compulsory examination in the case of officers who have put in 15 years or more in 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 make himself understood by them. In this test the examinee shall be 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 districts named in paragraph I of this Appendix and duly passes the examination in the tribal language prescribed for that district, and is subsequently 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 at the latter district.

6. If an officer knows one of the language mentioned in paragraph I 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 Chotanagpur and Bhagalpur Divisions will be responsible for conducting these examinations. There shall be uniformity in the standard of examinations 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. Different sets of question papers will be set for the examinations held on different dates.

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

Name of language.	Name of prescribed text book.
(1) Santhaii	Santhaii Praveshika, Part I and II by Sri Doman Sah, 'Samir' Editor of the "Hor Sambah", published by Santhal Paharia Seva Mandal, Deoghar.
(2) Mundari	A Mundari Grammar with exercise by Rev. J. Hoffman, S.J. Catholic Mission, Ranchi.
(3) Oraon	Hath Ara Kath Billin Idu, by Dr. Christ Michael Tiga, K.B. Kadru, Ranchi.
(4) Ho	Ho Kaji, by Shri Bhim Ram Solanki, Chaibassa.

9. Rewards will be given as mentioned below to candidates who pass the examination mentioned in paragraph 1 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 Standard	Higher Standard.
	Rs.	Rs.
Officers of Class I	750	1,000
Officers of Class II	500	800
Officers of Class III	250	400

Note I. - An officer, who appears only at the oral test, as provided in paragraph 4 above, shall not be

entitled to any reward. Note 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 or 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. Officer 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 tests which a candidate must undergo shall be as in Part 1 of the 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 Commissioners, Chotanagpur and Bhagalpur Divisions, who will convene local committees for the purpose.

Commissioner of Bhagalpur:-Group I - Santhali Group II - Rajmahal Paharia. Group III - Nepalese Paharia. Commissioner of Chotanagpur:-Group I - Ho and Mundari. Group II - Oraon.

15. The rewards to be given to successful candidates will be as detailed below subject to the condition that from all rewards granted, any rewards previously drawn for the same languages are deducted:

Lower Standard Higher Standard.

	Rs.	Rs.
For all languages except Nepalese Paharia.		
Officers of Class I 750	1,000
Officers of Class II 500	800
Officers of Class III 250	400
For Nepalese Paharia.		
Officers of Class I 250	500
Officers of Class II 150	300
Officers of Class III 50	100

16. The Commissioners, Chotanagpur and Bhagalpur Divisions will report to Government the names of officers declared to have passed by each standard.

Appendix III (See Rule 4) (Form of application.) No..... From..... To.....
reference to rule 1 (d) of the Rules for the Departmental Examination of Excise Superintendents and Inspectors, I have to report my intention to appear at the Departmental Examination to be held at (a)..... from the (b)..... 20..... in the following subjects.-(1)(2)(3)(4)(5) Your faithfully, Full Signature with name and designation. To be clearly written. Office..... District..... Note. - Candidates should state for what standard they intend to appear -(a) Name of Centre (b) Date