

# **The Border Security Force, Chief Law Officers and Law Officers Recruitment and Conditions of Service Rules, 1999**

UNION OF INDIA

India

## **The Border Security Force, Chief Law Officers and Law Officers Recruitment and Conditions of Service Rules, 1999**

### **Rule**

### **THE-BORDER-SECURITY-FORCE-CHIEF-LAW-OFFICERS-AND-LAW-OFFICERS-RECRUITMENT-AND-CONDITIONS-OF-SERVICE-RULES-1999**

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The Border Security Force, Chief Law Officers and Law Officers Recruitment and Conditions of Service Rules, 1999 Published vide Notification No. G.S.R. 260(E), dated 13th April, 1999 Ministry of Home Affairs G.S.R. 260(E). - In exercise of the powers conferred by clause (n) of sub-section (2) of section 141 of the Border Security Force Act, 1968 (47 of 1968), and in supersession of the Border Security Force, Chief Law Officer and Law Officers Recruitment and Conditions of Service Rules, 1977, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :-

#### **1. Short title and commencement.**

(1) These rules may be called the Border Security Force, Chief Law Officers and Law Officers Recruitment and Conditions of Service Rules, 1999. (2) They shall come into force on the date of their publication in the Official Gazette.

#### **2. Number of posts, classification and scale of Pay.**

- The number of posts, their classification and the scale of pay, attached thereto shall be as specified in columns (2) to (4) of the Schedule annexed to these rules.

### **3. Method of recruitment, age-limit and other qualifications.**

- The method of recruitment to the said posts, age-limit, qualifications and other matters relating thereto shall be as specified in columns (5) to (14) of the said Schedule.

### **4. Disqualification.**

- No person, -(a) who has entered into or contracted a marriage with a person having a spouse living, or (b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said posts : Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

### **5. Seniority of Law Officers.**

- Seniority of Law Officers shall be determined in accordance with the following rule, namely :-(1) All officers holding a higher rank whether in an officiating or substantive capacity shall be senior to officers holding the lower rank. (2) In a particular rank :-(a) An officer appointed in a substantive capacity shall be senior to an officer appointed in an officiating capacity; (b) Seniority of officers appointed to any post in a substantive capacity shall be determined in accordance with the date of appointment to that post in a substantive capacity and where two or more officers are appointed in a substantive capacity on the same date, their seniority shall be determined in accordance with their seniority while holding such posts in an officiating capacity; (c) Seniority of officers appointed to any post in an officiating capacity shall be determined in accordance with the order of selection for appointment to that post; (d) Seniority of officers promoted on the same date shall be determined in the order in which they are selected for promotion to that rank; (e) Seniority of re-employed officers in a particular rank shall be determined from the date of their reemployment in that rank.

### **6. Superannuation.**

- The age of superannuation of the Chief Law Officers and the Law Officers shall be sixty years.

### **7. Power to relax.**

- Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

### **8. Saving.**

- Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other special categories

of persons in accordance with the orders issued by the Central Government from time to time in this regard.

## 9. Appointment.

(a) Officers who have completed their qualifying/eligibility service as contained in the Schedule annexed to these rules, shall only be considered for appointment to the grade(s): (b) Provided that only those officers who are in medical category SHAPE-I shall be eligible for appointment, on promotion, deputation, or re-employment basis: Provided further that nothing contained in rule 9(b) shall apply to the officers holding the post on regular basis before the publication of these rules.

## 10. Interpretation.

- If any question arises relating to the interpretation of these rules, it shall be referred to the Central Government for its decision.

## Schedule

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or Non-Selection post.	Whether benefit of added years of serviceadmissible under rule 30 of the Central Civil Services (Pension) Rules 1972.	Age limit for direct recruits.	
1	2	3	4	5	6	7	8
1. Chief Law Officer	01* (one) (1999)	General Central Service, Group "A".	Rs. 16,400-450-20,000/-	Selection by merit.	No.	Not applicable	
Chief Law Officer (Discipline and Litigation)	01* (one) (1999)	Gazetted, Non-Ministerial, (Combatised).					
	*Subject to variation dependent						

on workload.		Method of recruitment whether by direct recruitment or by promotion or by deputation or absorption and percentage of the posts to be filled by various methods.	In case of recruitment by promotion/deputation/absorption, grades from which promotion/deputation/ absorption to be made.	If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Prescribed probation, if any.				
9	10	11	12	13	14
Not applicable	Not applicable	By promotion failing which by deputation/absorption re-employment.	1. By Promotion:(i) Serving Border Security Force/Law Officer Grade-I with five years of service as Law Officer Grade-I with a total of twenty years Group A's service. Note: 1. The fitness of the existing incumbent holding the feeder grade post with the requisite qualifying service for appointment to the upgraded post shall be considered by the competent authority and in case he is considered fit he shall be deemed to have been appointed to the next higher grade. In case he is not considered fit, his case shall be reviewed every year, till such time, he shall continue to hold the present post. 2. If the present incumbent in	(1) Secretary, Ministry of Home Affairs-- Chairman (2) Director General, Border Security Force-Member (3) One of the Director General, from the Central Police Organisations be nominated by the Chairman—Member (4) Joint Secretary, Ministry of Home Affairs-Member (5) A Nominee of Department of Personnel & Training—Member	Not applicable

the post has completed the requisite qualifying service for appointment to the upgraded post on or before the date of publication of this notification, he may be appointed to the upgraded post from that date. In the case of others who fulfil the qualifying service on a later date, they shall be appointed to the upgraded post from the date on which they complete the qualifying service. This shall be subject to the condition that irrespective of the date of appointment the original seniority of the incumbent in the grade prior to up-gradation shall be maintained for appointment to the upgraded post. II.

By Deputation/absorption: (i) An officer of the rank of Brigadier or equivalent in the Department of Judge Advocate General in the Armed Forces of the Union, with minimum 20 years of Group 'A' service. OR (ii) A Law graduate who is a member of the State Judicial Services for a period of not less than 20 years and holding the post of District Judge or an equivalent post. (iii) Failing (a) and (b), a Central/State Government

Officer having degree in law and possessing legal experience of not less than 20 years and holding analogous post or post of Additional Legal Advisor/ Council or equivalent for a period of not less than 7 years. Note:-(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/ department shall ordinarily not exceed three years. The maximum age limit for appointment by deputation/absorption shall be not exceeding fifty six years as on the closing date of receipt of applications). III. By re-employment : Retired/ Released officers of Army, Navy and Air Force, who had held analogous post in the rank of Brigadier or equivalent in the Department of Judge Advocate General with minimum commissioned service of 20 years, having break in service not more than two years

1	2	3	4	5	6	7	8
2	Law Officer Grade-I (Eight) (1999)	o8* (1999)	General Central Service, Group "A". Gazetted, Non-Ministerial	Rs. 14,300-400-18,300/-	Selection No. by merit.	Not applicable	Not applicable.

(Combatised).

\*Subject to  
variation  
dependent  
on  
workload.

9	10	11	12	13
Not applicable	Not applicable	By promotion failing which by deputation/absorption/reemployment.	I. By Promotion:(i) Serving Law Officer Grade-II with 09 yearsregular service as Law Officer Grade-II with a total of fifteenyears group 'A' service.Note :-1. The fitness of theexisting incumbent holding the feeder grade post with therequisite qualifying service for appointment to the upgraded postshall be considered by the competent authority and in case he isconsidered fit, he shall be deemed to have been appointed to thenext higher grade. In case he is not considered fit, his caseshall be reviewed every year, till such time, he shall continueto hold the present post.2. If the present incumbent in thepost has completed the requisite qualifying service forappointment to the upgraded post on or before the date ofpublication of this notification, he may be appointed to theupgraded post from that date. In the case of others who	(1) Director General, Border Security Force,-Chairman Joint Secretary, Ministry of HomeAffairs-Me One Inspector General, Border SecurityForce-M Chief Law Officer Border Security Force-Member

fulfil the qualifying service on a later date, they shall be appointed to the upgraded post from the date on which they complete the qualifying service. This shall be subject to the condition that irrespective of the date of appointment the original seniority of the incumbent in the grade prior to up-gradation shall be maintained for appointment to the upgraded post. II. By deputation/ absorption: (a) A law graduate holding the post of Second-in-Command or Commandant in Border Security Force with fifteen years of Group 'A' service and having at least 8 years experience in legal affairs. OR (b) From suitable serving officers of Para Military Forces having an Act similar to Border Security Force Act 1968, Holding analogous post with minimum of 15 years Group 'A' service or officers in the grade of Rs. 12,000-16,500 with 4 years regular service in the grade and having 15 years of Group 'A' service having degree in law and 8 years experience in legal affairs. OR (c) An officer of the rank of Colonel or



equivalent in the  
Department of  
Judge Advocate General  
in the Armed Forces of  
the Union, with  
minimum 15 years  
commissioned service. (d)  
Failing (a) to (c)  
from amongst suitable  
serving civilian officers of  
State/

Central Government  
holding analogous post  
with minimum 16 years of  
Group 'A' service or  
officers with at least 5  
years regular service  
in the grade of Rs.

12,000-16,500 possessing  
at least a degree in law and  
having experience in legal  
affairs in gazetted post for  
not less than 10

years. Note .-(Period of  
deputation including  
period of deputation in  
another ex-cadre post  
held immediately  
preceding this  
appointment in the same  
or some

other organisation/  
department shall  
ordinarily not exceed  
three years. The  
maximum age limit for  
appointment by  
deputation/absorption  
shall not be exceeding  
fifty six years as on  
the closing date of receipt  
of

applications), (iii) Re-employment:- Retired/  
Released officers from

								Army, Navy and Air Force who had held analogous post before retirement, and possessing a degree in law with minimum 15 years of service and 8 years experience in legal affairs, having not more than 2 years break in service.	
1	2	3	4	5	6	7	8		
								Essential: (i) Degree in Law. (ii) Six years minimum experience in legal affairs, (iii) Should be qualified for enrolment as an advocate. Desirable: A post graduate Degree in Law. (2) 2 years experience in dealing with trials under special laws relating to Armed Forces.	
Law Officer Grade-II	02* (Two) (1999)	General Central Service, Group "A". Gazetted, Non-Ministerial (Combatized).	Rs. 10,000-325-15200/-	Selection by merit.	Not exceeding 35 years				
	*Subject to variation dependent on workload.								
9	10	11	12				13		14
Not applicable	Two years in the case of direct recruits.	By deputation/ absorption failing which by direct recruitment.	By deputation/ absorption: (i) Serving Border Security Force officers with graduation in Law and six years experience in legal affairs. OR (ii) A law graduate in Central/ State Government services holding analogous post and having not less than six years experience in legal affairs. (Period of deputation including period of deputation in another				(1) Director General, Border Security Force-Chairman (2) Inspector General Border Security Force-Member (3) Director/ Deputy Secretary Ministry of Home Affairs-Member (4) Chief Law Officer Border Security Force-Member		

ex-cadre post held immediately preceding this appointment in the same or some other organisation/department shall ordinarily not exceed three years. The maximum age limit for appointment by deputation/absorption shall be not exceeding fifty six years as on the closing date of receipt of applications). Re-employment: Retired/released officers from Army, Navy and Air Force who had held analogous post before retirement and possessing the qualifications prescribed under column (8), having break in service not more than two years.