

Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 1963

JHARKHAND

India

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Rule

BIHAR-CIVIL-SERVICE-JUDICIAL-BRANCH-TRAINING-AND-DEPARTMENTAL-EXAMINATION-RULES-1963

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Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 1963 Published vide Notification No. 5/DE-1-2/63A-12491, dated the 7th October, 1963/15th Aswina, 1855, published in Bihar Gazette, (Extraordinary), dated 2.11.1963 Rules for the training and departmental examination of the Bihar Civil Service (Judicial Branch) published with Appointment Department Resolution no. 4823-A, dated the 18th June, 1923 and Resolution No. 460-A. R., dated the 12th June, 1924.

Part F – ' of the 'Rules for the Training and Departmental Examination of officers serving in Bihar, published with Appointment Department Resolution no. 460-A. R, dated th 12th June, 1924, read with Resolution no. 3823-A, dated the 18th June, 1923, has been amended from time to time and some portions of the rules have now become obsolete. The rules have, therefore, been revised with the following major changes:-

(a)The Rules regulating recruitment to the Bihar Civil Service (Judicial Branch) have been deleted, as these have already been incorporated in the Bihar Civil Service (Judicial Branch) (Recruitment) Rules, 1955.(b)The programme of training has been suitably modified keeping in view of the present day requirements.(c)In the syllabus of the departmental examination, "Procedural Law and Law of

Evidence" has been substituted for the existing "Tenancy Acts".(d)Passing of the departmental examination in Hindi by the lower standard has been made one of the conditions for the grant of the first increment.(e)Withholding of increments for delay in passing the departmental examination or in confirmation, will not have cumulative effect.Notification No. V/DE-1-2/63A-12491, dated the 7th October, 1963/15th Aswina, 1855. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and in supersession of the rules published in the Appointment Department Resolution no. 460-AR, dated the 12th June, 1924, the Governor of Bihar, after consultation with High Court of Judicature at Patna, is pleased to make the following rules for the training and departmental examination of officers of the Judicial Branch of the Bihar Civil Service.

1. Short title.

- These rules may be called the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 1963.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Government" means the Government of Bihar:(b)"Probationer" means a Munsif on probation and notwithstanding anything to the contrary contained in the Bihar Service Code, shall, for the purposes of these rules, include a Munsif appointed on temporary basis:(c)"Departmental Examination" means the Departmental Examination prescribed under Rule 27;(d)"Central Examination Committee" means the committee constituted by Government under Rule 3 of the Rules of Departmental Examination of Gazetted Officers, 1961; and(e)"Officer" means an officer of the Bihar Civil Service (Judicial Branch).

3.

These Rules, except Rules 40 and 41, apply to officers of the Judicial Branch of the Bihar Civil Service recruited under clause (a) of Rule 2 of the Bihar Civil Service (Judicial Branch) (Recruitment) Rules, 1955 and Rules 40 and 41 of these Rules apply to subordinate Judges appointed under clause (b) of Rule 2 of the aforesaid Recruitment Rules.

4. Function and powers of the Central Examination Committee.

- The Central Examination Committee will be responsible for the conduct of the Departmental Examination, which will be held at Patna, Ranchi and at such other places as the Committee may, with the prior approval of Government, decide from time to time.

5.

The Central Examination Committee will, with the prior approval of the Government, fix the duties for the Departmental Examination. The first half-yearly examination will usually be held in the

months of May or June and the second in October or November. The Central Examination Committee shall notify the dates of the examination in the Bihar Gazette and shall also inform the High Court and Revenue Department about the dates so notified, at least two months in advance of the date fixed, unless, for exceptional reasons to be reported to Government, they are unable to do so.

6.

It shall be the duty of the Central Examination Committee to prepare, previous to each half yearly examination, the sets of questions to be put to the examinees, to determine the order in which the examination in each paper and subject shall be held, and to arrange all other details for the conduct of the examination and maintenance of the secrecy of the question papers till the hour of the examination.

7.

The Central Examination Committee may lay down rules governing the procedure to be followed in conducting examinations and to ensure a fair and uniform method of ascertaining the proficiency of the examinees in each subject.

8.

The Central Examination Committee shall select suitable officers of Government to constitute the Board/Boards to hold the viva examinations of candidates in Hindi at each centre where such an examination is held.

9.

It shall be the duty of the Central Examination Committee to report to the Government the names of such officers as, in their opinion, have passed the Departmental Examination in one or more subjects, by the lower/higher standard.

10.

The Central Examination Committee will with the approval of Government in the Appointment Department, appoint gazetted officers of the Government as Centre Superintendent, for the Departmental Examination to be conducted at each centre, who shall function under the supervision of the Committee and comply with the directions issued by its Secretary.

11.

A probationer should be given as much experience as possible of judicial (civil and criminal) and revenue work and also of the management and control of an office. He should also master the books,

which are set for examination and should study closely the leading legal works, the cases and the authorised law reports.

12.

It is the duty of the District Judge to attend to the practical training of probationer placed under him.

13. [[Substituted by G.S.R. 106 dated 29.9.1972 published in Bihar Gazette dated 31.1.1973.]

The minimum period of training of a probationer shall ordinarily be divided between the different branches as follows:-(i) Training with a Munsif and Subordinate Judge - 6 months(ii) Training in Revenue work 1 month(iii) Training in Magisterial work - 6 month(iv) Training with a District and Sessions Judge - 8 months(v) Training in Survey and Settlement - 8 months] Training in Office Work

14.

The District Judge shall determine the length of the period to be spent in the office of (i) a Munsif, (ii) a Subordinate Judge, and shall nominate efficient officer (or officers) of each class in whose court the probationer should be trained. The aim will be to give the probationer wide experience of the best class of office management and judicial work.

15.

About two months of the period should be devoted to practical experience of the administrative work of a civil judicial officer. The probationer should acquire a thorough acquaintance with the work of each department and particularly with-(a) the registers maintained in the office of a Munsif and of a subordinate Judge and in the Nazarat, Accounts, Record Room and Copying Department;(b) the classification and arrangement of papers in the records of suits and cases;(c) the preparation of monthly, quarterly and annual-statements;(d) the preparation of decrees;(e) the system of distribution of processes in the Nazarat; and(f) the arrangement, examination, preservation and destruction of records deposited in the District Judge's Record Room.

16.

The probationer must make a careful study of the High Court's General Rules and Circular Orders (civil). Particularly he must make a thorough study of the Accounts Rules. He will not be required to work as a clerk or to write up registers, but should towards the end of the period devote some days to office inspection. Training in Judicial Work (Civil)

17.

The probationer should attend the court first of a Munsif and then of a Subordinate Judge during the trial of cases. Subject to the following limitations the District Judge will give directions in this regard. As a part of his training, the probationer should sit with a Munsif or a Subordinate Judge, as the case may be, during the trial of cases, and at least in 12 cases of a Munsif's court and 4 cases, of a Subordinate Judge's court, record the depositions of the witnesses prepare a synopsis of the pleadings, make a summary of the oral and documentary evidence, take notes of the arguments of pleaders, and write a decision discussing the law (including case law) applicable to the fact of the case. At least once during that period of the training of the probationer should be continuous for at least a fortnight, in each class of court, and he should sit throughout the day and make a record of the proceeding. Ordinarily the period of training in judicial work should be about 20 days in each month.

18.

The records of cases prepared under Rule 17 will be submitted to the Subordinate Judge or Munsif, as the case may be, who will examine them to see that they are carefully and intelligently prepared and will give suitable directions and advice. The District Judge should also examine a few records so as to give instructions and to become acquainted with the merits of the officer.

19.

The probationer may also be deputed, but sparingly, to make local inspections and to execute minor commissions (ordinarily such as do not require technical knowledge) whenever feasible and, if so required he will give evidence in connection with his reports.

20.

The probationer should study during this period of the Indian Evidence Act, the Code of Civil Procedure, the Transfer of Property Act, the Contract Act, and the Tenancy Act of the area in which he is stationed. Training in Revenue Work

21.

A probationer will be deputed by the District Judge to the office of the Collector for training in general revenue work. It will be the duty of the Collector to arrange for and look after the training, so that the probationer may acquire a general acquaintance with the rules, practice and procedure of the Revenue Department, in (1) Certificate Procedure, (2) Partition, (3) Land Reforms Officers and (4) Treasury (Judicial transactions only). In Chotanagpur Division and the district of Santhal Parganas particular attention should be paid to the work under the local Tenancy Act. Training in Magisterial Work

22.

During this period, the probationer should read the High Court's General Rules and Circular Orders (criminal) and the important portions of the Penal Code and the Code of Criminal Procedure and take special notes of the procedure in respect of directing or sanctioning prosecution for offence under Chapters XII and XVIII of the Indian Penal Code. Training in criminal court work should be, as far as possible, on the same lines as those prescribed under Rules 15 to 20 of these rules for a training of a probationer in the court of a Munsif or Subordinate Judge, including inspection of registers and subject to the approval of the High Court, the probationer may be vested with the powers of Magistrate of third class during the first three months of his training and with the power of a Magistrate of the second class for further period of three months. It will be the duty of the Sessions Judge to arrange for the training of the probationer in magisterial work so that he may acquire a sound insight into the law and procedure in criminal trials. [Provided if the High Court under Rule 96, varies the length of the period of training and the probationer has to undergo training of magisterial work for more than six months, he may on the recommendation of the High Court be vested with the powers of a Magistrate of the first class on completion of his training in magisterial work for six month] [Inserted by Notification No. G.S.R. 106 dated 29.9.1972.] Training under the District and Sessions Judge

23.

Training under the District and Sessions Judge. (a) in judicial (civil and criminal); and (b) in administrative work. As a part of his training the probationer should sit with a District and Sessions Judge during trial of cases, including sessions trial, selected by the District and Sessions Judge for the purpose, and at least in three sessions cases, three criminal appeals and three criminal revisions, record the depositions of the witnesses (in trials only), prepare a synopsis of the pleading (in criminal cases of the complaint or F. I. R., as the case may be, and written statements of the accused, (if any), make a summary of the oral and documentary evidence take notes of the arguments of the pleaders and write a preison discussing the law (including case law) applicable to the facts of the case. While attending sessions cases, the probationer should watch the proceedings, so as to acquire familiarity with the practice and procedure of trials. At least once during this period the training of the probationer should be continuous for at least a fortnight and he should sit throughout the day and make a record of the proceedings. The records of the cases prepared under this rule will be submitted to the District and Sessions Judge, who will examine them and give suitable directions and advice.

24.

Opportunity should be afforded to the probationer to become thoroughly familiar with the practical working of the rules and procedure in the various departments of the office of the District Judge. When he has had some experience of the office he may be deputed but for educational purposes only to inspect the offices or specified departments thereof of subordinate courts. His note of inspection should be prepared with special reference to the observance of the General Rules and Circular Orders and should be submitted to the District Judge who shall examine it to see whether the

inspection has been carefully and intelligently done, point out mistakes and give suitable directions and advice. Survey and Settlement Training

25.

The training in survey and settlement under a settlement officer will be in traverse and cadastral survey and in attestation and recess work. The primary aims of the course are to secure for the probationer an insight into agrarian life and interest, and a close acquaintance with the preparation of a record of rights. Subject to this essential, and to adequate training in each branch of the work, the settlement officer has a free hand in training the probationer and utilizing his services. If the probationer is not able to receive training in traverse and cadastral survey and attestation and recess work in one of survey and settlement operation, he will receive instructions in theoretical and practical survey especially chain survey, compass survey, levelling and theodolite at some Government college of engineering in the State. The college and the date of the course will be fixed by the Government.

26. [[Substituted by Notification No. 106 dated 29.9.1972.]

Subject to the condition that the aggregate of the period of training shall not be less than two years, the High Court may in its discretion, vary the length of the period of training or dispense with the training of a probationer in respect of any branch of training as prescribed in Rule 13.] Explanation. - If the probationer is not able to attend his training for some time within the period of two years from the date of his joining without any fault on his part, in appropriate cases the High Court may exempt him from receiving further training after completion of the said period of two years. Liability of Probationers to Examinations

27.

(a) Every probationer is required to pass an examination in the following subjects :- (i) the High Court's General Rules and Circular Orders (both criminal and civil), as laid down in sub-rule (b) to this rule. The examination in the High Court's General Rules and Circular Orders will test in particular the extent to which the examinee has acquired practical facility in applying the rules, (ii) Procedural Law and Law of Evidence as laid down in sub-rule (c) to this rule. (iii) Hindi by the lower and higher standards as described in Appendix I of this rule. (b) There shall be one paper with books on the High Court's General Rules and Circular Orders. The paper shall be of three hours' duration and carry 100 marks. A probationer securing 60 marks or above will be declared to have passed in the paper. The questions will be set from the following books :- (i) High Court's General Rules and Circular Orders (Criminal), Volumes I and II; (ii) High Court's General Rules and Circular Orders (Civil), Volumes I and II. (c) There shall be another paper without books on the Procedural Law and Law of Evidence. The paper shall be of three hours' duration and shall carry 100 marks. A probationer securing 60 marks or above will be declared to have passed the paper. The questions will be set from the following books :- (i) Code of Civil Procedure, (ii) Code of Criminal Procedure. (iii) Indian Evidence Act.

28. Procedure for appearance at the examination.

- Any probationer desirous of appearing in the Departmental Examination is required to send to his District and Sessions Judge/Head of the Department, through proper channel, but not later than 15th of May in the case of the first half yearly examination, the 1st of September in the second half yearly examination, an intimation in the form given in Appendix II, of his intention to appear at the examination.

29.

From the applications referred to in Rule 28 above, each District and Sessions Judge/Head of the Department concerned, will prepare and send a consolidated statement showing the particulars of the probationers and the standards in which they intend to appear, alongwith their applications, to the Secretary to the Central Examination Committee latest by the 16th May, 16 September for the first/second half yearly examination.

30.

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. Confirmation

31. [Substituted by Notification No. 106 dated 29.9.1972.]

A probationer will be eligible for confirmation and appointment as a permanent Munsif as provided in Rules 24 and 26 respectively of the Bihar Civil Service (Judicial Branch) (Recruitment) Rules, 1955 :Provided that before recommending a probationer for confirmation or appointment, the High Court will obtain and consider reports from-(i)the District and Sessions Judge under whom he has been trained as to his fitness to be so confirmed or appointed having regard to his mastery of the law and practice of evidence and procedure, and his industry and general efficiency ;(ii)District Magistrate and Collector, and the settlement officer or the Officer in charge of the training (if the probationer has undergone a theoretical and practical survey training) under whom he has been trained as to his industry and his proficiency in the work in which he has been trained by them.The report referred to in sub-rule (1) from the District and Sessions Judge shall be sent by him direct to the High Court and the reports from other authorities shall be sent to the State Government which shall be forwarded to the High Court.An officer, who is not confirmed or appointed on a permanent basis as Munsif would be liable to be discharged from service at any time in consultation with the High Court,]Pay and Advancement in the Time-scale

32.

The prescribed time-scale of pay sanctioned for officers of the Bihar Civil

Years of service			Munsif
1st year (on probation)	... ..	...	325
2nd	" ..	...	355
3rd	" (on confirmation) ..	...	385
4th	" ...	...	415
5th	" ...	...	445
6th	" ...	...	475
7th	" ...	Efficiency Bar ...	505
8th	" ...	...	535
9th	" ...	...	565
10th	" ...	...	595
11th	" ...	...	625
12th	" ...	...	655
13th	" ...	...	685
14th	" ...	...	715
15th	" ...	...	745
16th	" ...	...	775
17th	" ...	Efficiency Bar ...	805
18th	" ...	...	835
19th	" ...	...	865
20th	" ...	...	895
21st	" ...	...	925
22nd	" ...	...	955
23rd	" ...	...	985

33.

An officer is entitled to draw the pay of the first stage of the time scale with effect from the date on which he takes charge of his duties.

34.

An officer is entitled to draw the pay of the stage of the time-scale on the recommendation of the High Court after he has completed one year's service and has passed the Departmental Examination in (1) High Court's General Rules and Circular Orders (both Civil and Criminal), (ii) Procedural Law and Law of Evidence, (iii) Hindi by lower standard as prescribed by Rule 27: Provided that if the passing of the Departmental Examination be delayed, the officer will be entitled on passing the same 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.

35.

An officer is entitled to draw the pay of the third stage of the time-scale as soon as he is confirmed in his appointment: Provided that if the confirmation of the officer be delayed, the officer will be entitled on confirmation to draw pay at that stage in the time scale to which he would have been entitled had there been no delay in his confirmation.

36.

No officer may draw pay in excess of Rs. 535 on the prescribed scale, until the High Court have declared that he has passed the 1st efficiency bar. This declaration will not be made unless the High Court are satisfied that the officer is fit to perform the work ordinarily expected of a Munsif.

37.

No officer may draw pay in excess of Rs. 715 p.m. in the prescribed scale until he has been declared by the High Court to have been passed the second efficiency bar unless his work can be described as good i.e., considerably above a standard which is adequate to secure him from disapprobation without earning approbation. His work must show definite merit and also integrity.

38.

As soon as an officer whose pay has been restricted by the operation of rules 36 and 37 is declared to have passed either bar, he becomes entitled to the pay which he would have received if his pay had not been so restricted.

39.

When the High Court have refused to make a declaration which is necessary before an officer can draw pay beyond the 1st and 2nd E.B. stage in the time-scale, the officer will be informed by the High Court of the defects in his work or conduct which have led to the stoppage of his advancement in the time-scale.

40.

The prescribed time-scale of pay sanctioned for Subordinate Judge is Rs. 450-35-660-E.B. 870-EB-45-1160. No officer will be promoted to the selection grade from Subordinate Judge unless the High Court are of opinion that he is an officer of outstanding merit. Promotion to the selection grade *(Rs. 800-50-1,300) is by strict selection and mere seniority gives no claim to promotion to it.

41.

No officer may draw pay in excess of Rs. 625 on the Sub-Judge's scale until the High Court have declared that he has passed the E.B. This declaration will not be made unless the High Court are satisfied that the officer is doing the work of a Sub-Judge quite satisfactorily and efficiently. When the High Court have refused to make a declaration which is necessary before an officer can draw pay beyond the efficiency bar stage in the Subordinate Judge's scale, the officer will be informed by the High Court of the defects in his work or conduct which have led to the stoppage of his advancement in the time scale.

42. Repeal and saving.

- These Rules will supersede any Rules corresponding to them and in force immediately before the commencement of these Rules, in so far as such Rules are in conflict with the Rules hereby published : Provided that any order made or action taken under the Rules so superseded, shall be deemed to have been made or taken under the corresponding provisions of these Rules. Appendix I (See Rule 27) Syllabus for the Departmental Examination Hindi (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 - 50. (ii) Drafting - 50. (iii) Translation - 80 (Hindi to English - 40 and 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 lower standard and those securing 60% and above would 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 manuscripts 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 and higher standard will be 50 per cent and 60 per cent 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) Prashikashan Vyakhyan Mala, Parts I and II Appendix II (See Rule 28) Form of Application No. From To Dated 20 Sir, With reference to Rule 28 of the Rules for the Departmental Examination of Officers of the Bihar Civil Service (Judicial Branch) 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:-

Subjects	Lower standard	Higher standard
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(1)(2)(3)(4)(5)

Yours 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

