

# **The Bihar Civil Services (Safeguarding of National Security) Rules, 1961**

BIHAR

India

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### **Rule**

### **THE-BIHAR-CIVIL-SERVICES-SAFEGUARDING-OF-NATIONAL-SECURITY of 1961**

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The Bihar Civil Services (Safeguarding of National Security) Rules, 1961Published vide Notification No. 3/R1-2030/58-A-10908, dated the 14th August, 1961Notification No. III/RI-2030/58-A-10908, dated the 14th August, 1961. - In exercise of the powers conferred by the provision to Article 309 of the Constitution, Section 7 of the Police Act, 1861, and Section 13 of the Bengal Military Police Act, 1892, and all other powers enabling him in this behalf, the Governor of Bihar is pleased to make the following rules, namely:

#### **1.**

(1)These rules may be called the Bihar Civil Services (Safeguarding of National Security) Rules, 1961.(2)They apply to all persons serving in connection with the affairs of the State of Bihar whose conditions of service are regulated by the Governor of Bihar or by any person authorised by him under the proviso to Article 309 of the Constitution, Section 7 of the Police Act, 1861, and Section 13 of the Bengal Military Police Act, 1892.

#### **2.**

In these rules,-(a)"Government servant" means any person to whom these rules apply;(b)"head of a department" means any authority who is the head of a department for the purpose of the Bihar Service Code; and(c)"the competent authority" means-(i)in relation to a Government servant appointed by a head of a department, the head of that department; and(ii)in relation to any other Government servant, the Governor.

**3.**

Where the Governor is of opinion that a Government servant is engaged in or is reasonably suspected to be engaged in subversive activities or is associated with others in subversive activities and that his intention in the public service is on that account prejudicial to national security, the Governor may make an order compulsorily retiring such Government servant from service.

**4.**

Before any order under Rule 3 is made-(a)the competent authority shall by notice in writing inform the Government servant of the action proposed to be taken in regard to him and give him an opportunity to make to the Governor within such period as may be specified in the notice, representation in writing against the action; and(b)the Governor shall take into consideration the representation, if any, so made by him.

**5.**

Where action under these rules is proposed to be taken in regard to a Government servant the competent authority shall place the Government servant under suspension:Provided that if the Government servant so wishes the competent authority shall, before placing him under suspension, permit him to proceed on such leave as may then be admissible to him.

**6.**

Nothing contained in Parts XII and XIII of the Civil Services (Classification, Control and Appeal) Rules, or the Bihar and Orissa Subordinate Services Discipline and Appeal Rules or any other rules and orders in the State of Bihar regarding conditions: of service of any class of Government servants, shall apply to or in respect of any action taken or proposed to be taken under these rules.

**7.**

It shall not be necessary for the Governor to consult the Public Service Commission in respect of any order passed under these rules.

**8.**

Any person compulsorily retired from service under Rule 3 shall be entitled to such compensation, pension, gratuity or provident fund benefits as would have been admissible to him under the rules applicable to his service or post on the date of such retirement if he had been discharged from service due to the abolition of his post without any alternative suitable employment being provided.