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NOTIFICATION

No. A. 12018/9/80-APT(B) dt. 25. 7. 1986: The following Rules published by the Government of India vide their Notification No. G.S.R. 832(E) dated the 4th June 1986 is republished for general information.

“The Mizoram Police Service Rules, 1986”.

Lalkhama,
Chief Secretary to the Govt. of Mizoram.

GSR. 832(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in this behalf, the President makes the following rules, namely :—

PART I—General

1. Short title and commencement:—(1) These rules may be called the Mizoram Police Service Rules, 1986.

(2) They shall come into force from the date of publication in the Official Gazette.

2. Definitions:—In these rules, unless the context otherwise requires:—

(a) “Administrator” means the Administrator appointed under Article 239 of the Constitution, for the Union Territory of Mizoram;

(b) “Board” means the Selection Board constituted under rule 6;

- (c) "duty post" means any post specified in Schedule I and includes a temporary post carrying the same designation as any of the post specified in that Schedule and the scale of pay of which is identical to that attached to Grade II of the Service and, any other temporary post declared as duty post by the Administrator;
- (d) "member of the Service" means a person appointed in a substantive capacity to either grade of the Service and includes a person appointed on probation to Grade II of the Service;
- (e) "Schedule" means the Schedule appended to these rules;
- (f) "Scheduled Castes and Scheduled Tribes" shall have the same meaning as are assigned to them respectively in clauses (24) and (25) of article 366 of the Constitution;
- (g) "Service" means the Mizoram Police Service.

3. Constitution of service and its classifications.—

- (1) on and from the date of the commencement of these rules, there shall be constituted a Central Civil Service to be known as Mizoram Police Service.
- (2) The service shall have two grades, namely :—
 - (i) Grade-I (Selection Grade), and
 - (ii) Grade-II.
- (3) The posts in grade I (Selection Grade) shall be Central Civil Service Group 'A' posts and those in grade II shall be Central Civil Service group 'B' posts.

PART II.—Authorised Permanent Strength of the Service

4. Strength of Service

- (1) The authorised permanent strength of the service and the posts include therein shall be as specified in Schedule I.
- (2) The number of posts in the Selection Grade of the Service shall be 15 per cent of the authorised permanent strength of the Service.
- (3) The Central Government of the Administrator, subject to such conditions and limitations as may be specified by the Central Government, may by order, create duty posts for such period as may be specified therein.

PART III—METHOD OF RECRUITMENT

- 5. (i) Save as provided in rule 15, appointments to the service shall be made by the following methods, namely:—
 - (a) 50 per cent of the substantive vacancies which occur from time to time in the authorised permanent strength of the service shall be filled by direct recruitment in the manner specified in Part IV of these rules; and

- (b) The remaining such substantive vacancies shall be filled by selection in the manner specified in Part V of these rules from amongst officers who are substantively borne on the cadre of Inspector of Police employed in the Union Territory of Mizoram.
- (ii) Officers who may be considered for appointment to the service at its initial constitution, though not actually appointed thereto under rule 16 and who at the commencement of these rules, held substantively and continue to hold:—
- (a) any of the posts specified in Schedule I as it stood at the commencement of these rules, or
- (b) any of the posts under Government of Mizoram carrying the same designation as any of the post specified in schedule I:

Provided that nothing in this rule shall preclude the Administrator from holding a vacancy in abeyance or filling it on an officiating basis, in accordance with the provisions in part VIII of these rules.

6. Constitution of selection Board.

- (1) Recruitment under sub-rule (1) of the rule 5 shall be made on the recommendations of the Selection Board (hereinafter, in these rules, referred to as the Board).
- (2) The Board for Grade-1 and Junior Grade shall consist of the following members, namely:—
- (a) Selection Grade:
- | | |
|---|-----------|
| (i) Additional Secretary to the Government of India in the Ministry of Home Affairs | —Chairman |
| (ii) Chief Secretary, Government of Mizoram | —Member |
| (iii) Inspector General of Police, Mizoram | —Member |
| (iv) Inspector General, Central Reserve Police Force Shillong | —Member |
- “(b) Junior Grade :
- | | |
|---|-----------|
| (i) Joint Secretary (North East) Ministry of Home Affairs Government of India | —Chairman |
| (ii) Secretary to the Government of Mizoram, Home Department | —Member |
| (iii) Inspector General, of Police Mizoram | —Member |
| (iv) Inspector General, Central Reserve Police Force, Shillong | —Member |

7. Competitive Examination:

1. A competitive examination for direct recruitment to the Service shall be held on such date, at such place and at such intervals as the Administrator may, from time to time, determine.

2. The qualification for admission to the Examination and the conduct thereof shall be in accordance with such orders as the Administrator may, from time to time, issue in this behalf.

8. Decision of the administrator to be final :—The decision of the Administrator as to the eligibility or otherwise of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission/admit card has not been issued by the Administrator shall be admitted to the examination.

9. Board to forward a list of qualified candidates.—(1) Subject to the provisions of sub-rule (2) the Board shall forward to the Administrator a list arranged in order of merit of the candidates who have qualified by such standards as the board may determine.

2. The candidates belonging to the Scheduled Castes or the Scheduled Tribes may, to the extent the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes cannot be filled on the basis of the general standard, be recommended by the Board by a relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for selection to the Service, irrespective of their ranks in the order of merit at the examination.

10. Physical fitness.—No candidate shall be appointed to the service unless he is declared after such medical examination as the administrator may specify to be in good mental and bodily health and free from any mental or physical defect likely to interfere with the discharge of the duties of the service.

11. Inclusion in the list confers no right to appointment.—The inclusion of a candidate's name in the list referred to in rule 9, confers no right to appointment unless the Administrator is satisfied, after such enquire as may be considered necessary, that the candidate having regard to his character and antecedents, as suitable in all respects for appointment to the service :

Provided that where a candidate whose name is included in the list, is not appointed to the service, the reasons for the same shall be recorded in writing by the Administrator.

12. Order of appointment of candidates in the list.—Subject to the provisions of these rules the candidates included in the lists referred to in rule 9 shall be appointed to the service in the order of merit.

Part V—Recruitment by Selection

13. Conditions of Eligibility and Procedure for Selection.—1. The Board shall consider from time to time the cases of officers eligible under clause (b) of sub-rule (i) of rule 5, who have served in the cadre of Inspector of Police for not less than three years and prepare a list of officers recommended taking into account the actual vacancies at the time of selection and those likely to occur during a year. The selection for inclusion in the list shall be based on merit with due regard to seniority.

2. The names of persons included in the list shall be arranged in order of merit.

3. The list so prepared shall be forwarded by the Board to the Administrator.

14. Appointment to Service.—Appointment to service shall be made in the order of merit in the list referred to in sub-rule (2) of rule 13 with due regard to the proportion specified in rule 5.

Part VI—Initial Constitution of Service

15. Initial Appointment of Persons to the Service.—(1) The Administrator may, at the commencement of these rules, appoint to the Service any person who at such commencement is holding any of the posts specified in Schedule-I.

Explanation:—

For the purpose of this sub-rule, a person who would have held a post mentioned in Schedule I but for his being on leave or on foreign service or but for his temporary or officiating appointment to an equivalent or higher post, shall be deemed to be holding such a post.

(2) (i) For the purpose of appointment of persons referred to in the sub-rule (1) the administrator may require the Board to make a preliminary selection from amongst the officers referred to in that sub-rule of such of them as in its opinion are suitable for appointment to the service. The names of the officers so selected shall be arranged by the Board in the order of merit with due regard to seniority.

(ii) The list prepared under clause (i) shall be forwarded by the Board to the Administrator and initial appointment to the service shall be made by the Administrator in the order of merit or persons included in this list.

Part VII—Appointment, Probation, Training and Confirmation.

16. Appointments.—All appointments to the Service shall be made to Grade I or Grade II of the Service and not against any specific post included in the Service.

17. 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 service :

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 there are other grounds for so doing, exempt any person from the operation of this rule.

18. **Period of Probation.**—1. Every officer on appointment to Grade II of the Service, either by direct recruitment or by promotion, shall be on probation for a period of two years:

Provided that the Controlling authority may extend the period of probation in accordance with the instructions issued by Government from time to time:

Provided further that any decision for extension of a probation period shall be taken ordinarily within eight weeks after the expiry of the previous probationary period and communicated in writing to the concerned officer together with the reasons for so doing within the said period.

2. If during the period of probation or any extension thereof, as the case may be, Government is of the opinion that an officer is not fit for permanent appointment, Government may discharge or revert the officer to the post held by him prior to his appointment in the service, as the case may be.

3. As regards other matters relating to probation, the members of the service shall be governed by the instructions issued by the Government in this regard from time to time.

19. **Training and Departmental Examination.**—A person appointed under rule 5 or rule 15 shall undergo such training and pass during the period of probation such departmental examinations as the Administrator may determine by regulations:

Provided that the Administrator may, subject to such conditions as he may impose and having regard to the past service, experience or academic qualifications, exempt any person appointed under clause (b) of sub-rule (1) of rule 15 either wholly or partly, from any training or departmental examination.

20. **Confirmation in Service.**—A person who has been declared to have satisfactorily completed the period of probation may be confirmed in the Service.

Par VIII—Officiating Appointments

21. **Selection for Officiating Appointments.**—If at any time the Administrator is of opinion that the number of officers available in the list referred to in sub-rule (3) of rule 13 for appointment to duty posts is not adequate having regard to the vacancies in such posts, he may direct the Board to consider the cases of officers who have officiated for a period of not less than three years in the post of Inspector, Mizoram Police and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in all respects for officiating appointments to duty posts with due regard to seniority. The provisions of sub-rules (2) and (3) of rule 13 shall apply, mutatis mutandis, in the preparation of the list under this rule.

22. **Officiating Appointments to duty posts of the Service.**—(1) If a member of the service is not available for holding a duty post, the post may be filled on an officiating basis :—

- (a) by the appointment of an officer included in the list referred to in sub-rule (3) of rule 13, or
- (b) if no such officer is available, by the appointment of an officer included in the list prepared under rule 21.

(2) Notwithstanding anything contained in these rules, where appointment to duty post is to be made purely as a local arrangement for a period not exceeding six months, such appointment may be made by the Administrator from persons who are included in the list prepared under sub-rule (3) of rule 13 or rule 21 or who are eligible for inclusion in such a list.

(3) Any appointment made under sub-rule (2) shall be reported by the Administrator to the Board forth-with.

Part IX—Miscellaneous

23. Posting of Members of the Service—Every member of the Service shall, unless he is appointed to an ex-cadre post, or is otherwise not available for holding a duty post owing to the exigencies of public service, be posted against a duty post under the Government of Mizoram by the Administrator.

24. Duty Post to be held by a Member of the Service.—Every duty post shall be held by a member of the Service or an officer appointed to officiate under part VIII of these rules :

Provided that a duty post may be held by an officer in the junior scale of the Indian Police Service Cadre of the Union Territories.

25. Seniority.—The Administrator shall prepare a list of members of the Service arranged in order of seniority as determined in the manner specified below:—

- (i)(a) Persons recruited on the results of the competitive examination in any year shall be ranked INTER SE in the order of merit in which they are placed at the competitive examination on the results of which they are recruited, those recruited on the basis of an earlier examination being rank senior to those recruited on the basis of a later examination.
- (b) The relative seniority INTER SE of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 13, those recruited on the basis of an earlier selection being ranked senior to those recruited on the basis of a later selection.
- (ii) The seniority of members of the Service appointed at the initial constitution of the Service in accordance with the provisions of part VI of these rules shall be determined by the Administrator in consultation with the Board.

Provided that in the case of persons appointed under sub-rule (1) of the rule 15, if two or more persons belonging to the same parent service or Department are thus appointed, they shall be ranked INTER SE in the order of their relative seniority in the parent Service or Department as the case may be.

- (iii) The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5.

26. Pay and Allowances.—(1) The scales of pay attached to the service shall be as follows :—

- (i) Grade I (Selection Grade) Rs. 1100—50—1500.
 (ii) Grade II (Time Scale) Rs. 650—30—740—35—810—EB—35—880—40—1000—EB—40—1200.
 (2) A person recruited on the results of competitive examination shall, on appointment to the Service, draw pay at the minimum of the time scale.

Provided that if he held a permanent post other than a tenure post in a substantive capacity prior to his appointment to the Service, his pay during the period of his probation in the Service shall be regulated under the provisions of Fundamental Rule 22-B(1). The pay and increments in the case of other persons appointed to the service shall be regulated in accordance with the Fundamental Rules.

Provided further that it shall be open to the President to determine the pay of any member of the Service in such manner as the President deems fit if the special circumstances of his case so require.

- (3) Dearness and other allowances shall be paid to persons holding duty posts at such rates as may be determined by the President from time to time.

27. Appointment to Selection Grades.—(1) Appointments of members of the Service to the Selection Grade shall be made in consultation with the Board on the basis of seniority subject to fitness.

- (2) An officer with a minimum of 8 years service in Grade II shall be eligible for being considered for appointment to the Selection Grade :

Provided that service in duty post or an equivalent or higher post under the Central Government or Government of Mizoram or in a State Police Service shall count towards the eight years' period.

28. Regulations.—The Administrator may, make regulations not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

29. Residuary Matters.—In regard to matters not specifically covered by these rules or by regulations or orders (issued there under) or special orders, the members of the Service shall be governed by the rules, regulations and orders applicable to corresponding officers serving in connection with the affairs of the Union.

Provided that any power exercisable by the Central Government under such rules, regulations and orders may be delegated by it to the Administrator subject to such conditions as it may specify therein.

30. Interpretation.—If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

Part X—Transitional Arrangements

31. Transitional Provision.—(1) On and from the commencement of these rules and until persons are appointed to hold the duty posts in accordance with the provisions of these rules such posts may continue to be held by officers who are holding such posts at the commencement of these rules as if these rules have not come into force.

(2) This rule shall cease to be in force after a period of two years from the date of commencement of these rules.

32. Power to Relax.—Where the Administrator is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing and in consultation with the Board, relax any of the provisions of these rules with respect to any class or category of persons.

33. Saving.—Nothing in these rules shall affect reservations, and other concessions required to be provided for the Scheduled Castes and 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.

34. Repeal.—The Mizoram Police Service Rules 1982 published in the Mizoram Gazette Extra-ordinary dated 30th May, 1983 are hereby repealed except as respect things done or omitted to be done.

[No. 14012/8/82-UTS]
ASHOK NATH, Jt. Sect.

SCHEDULE—I

[SEE RULE 4(2)]

Deputy Superintendent of Police, Police Headquarter	8
Deputy Superintendent of Police, Aizawl, DEF	6
Deputy Superintendent of Police, DSB, Aizawl	1
Deputy Superintendent of Police, Lunglei DEF	3
Deputy Superintendent of Police, Chhimtuipui District	2
Deputy Superintendent of Police, DB/CID	4

Deputy Superintendent of Police, Crime	1
Deputy Superintendent of Police, ACB	2
Deputy Commandant, M.A.P.	1
Assistant Commandant, M.A.P.	9
TOTAL	<hr/> 37 <hr/>
Deputation reserve—10%	3
Leave reserve—10%	3
Training reserve—10%	3
TOTAL	<hr/> 9 <hr/>
GRAND TOTAL	<hr/> 46 <hr/>