

THE ASSAM JAIL SERVICE RULES, 1986

The 25th May, 1989

No. HMB. 549/83/133. - In exercise of the powers conferred by the proviso to Article 309 of the constitution of India read by the proviso to Article 309 of the constitution of India read with Section 59 (10) of the Prisons Act, 1894 (IX of 1894), the Governor of Assam is pleased to make the following rules, regulating the recruitment and the conditions of Service of officers in the Jail Department of the Government of Assam.

1. Short title and Commencement. -

- (1) These rules shall be called the Assam Jail Service Rules, 1986.
- (2) They shall take effect from the date of this Notification .

2. Definition. -

In these rules, unless there is anything repugnant in the subject or context-

- (a) **"Appointing Authority"** means the Authority empowered to make appointment to any cadre of the Assam Jail service or the Assam Subordinate Jail

Service, as the case may be as mentioned in Schedule-I:

- (b) **"Board"** means Jail comprising in one or more district;
- (c) **"Circle"** means Jails comprising in one or more district;
- (d) **"Commission"** means the Assam Public Service Commission;
- (e) **"Government"** means the State Government of Assam;
- (f) **"Governor"** means the Governor of Assam;
- (g) **"Inspector General"** means the Inspector General of Prisons, Assam,
- (h) **"Members"** means a member of the Assam Jail service or the Assam Subordinate Jail service, as the case may be;
- (i) **"Schedule"** means the schedule to these rules;
- (j) **"Select list"** means the list as referred to in sub - rule (1) (d) of rule 6 and the list as referred to in sub- rule (5) and (6) of rule 13;

(k) **"Service"** means the Assam Jail Service and includes the Assam Subordinate Jail service;

(l) **"Year"** means English Calendar year.

3. Cadre -

(1) The service shall consists of the following -

(a) The Assam Jail Service, which shall included the following cadres;

(i) Deputy Inspector General of prisons;

(ii) Superintendent of Jail (Grade. I);

(iii) Superintendent of Jail (Grade-II):

(iv) Jailer;

(v) Assistant Jailer;

(b) The Assam Subordinate Jail Service, which shall include the following cadres: -

(i) Chief Head Warder;

(ii) Head Warder;

(iii) Male Warder;

(iv) Female Warder;

(2) The service may also include any post equivalent to a post in any of the cadre's mentioned in sub-rule (1) which may be included in such cadre of the service by the Government from time to time.

(3) At the commencement of these rules the posts equivalent to and included in the cadres of the service shall be as mentioned in Schedule - I.

4. Strength of service. -

The strength of each cadre of the service shall be such as may be determined by the Governor from time to time. The strength of each cadre of the service on the date of commencement of these rules shall be as shown in Schedule-II.

Provided that the Appointing Authority may hold in abeyance any post as and when considered necessary.

3. Mode of recruitment. -

(1) Recruitment to the cadre of Assistant Jailer shall be made-

- (a) By direct recruitment against 90 percent of the strength of the cadre; and
 - (b) By promotion against 10 percent of the strength of the cadre.
- (2) Recruitment to the cadres of Male Warder and Female Warder shall be made by direct recruitment only.
- (3) Recruitment to all other cadres of the service shall be made by promotion only.

6. Direct Recruitment. -

- (1) Direct recruitment to the extent as specified in rule 5 read with proviso to rule II shall be made on the basis of recommendations made by the Board in accordance with the Procedure provided hereinafter.
 - (a) Before the end of each year the Appointing Authority shall make an assessment regarding the - likely number of vacancies to be filled by direct recruitment during the next year and shall intimate the same to the Board together with details about reservation of posts for candidates belonging to Scheduled Castes, Scheduled Tribes or any other category as laid down by the Government as provided under

Rule 16 and about carry forward of such reservation;

- (b) The Appointing Authority shall simultaneously request the Board to recommended a list of candidates for direct recruitment i n order of preference;
- (c) The Board shall make a Selection in accordance with the Scheme of selection prescribed by the Government. It may hold such test and/or interview and undertake scrutiny of such certificates and documents as may be considered necessary.
- (d) The Board shall furnish to the Appointing Authority a list of candidates recommended by it in order of preference, found suitable for direct recruitment. The number of candidates in such a list may be approximately double the number of vacancies.
- (e) The Appointing Authority shall consider the list furnish by the Board under rule 6 (1) (d) and approved it with such modification as it considers necessary after taking into consideration the views of the Board, if any, for such changes.

- (2) The list mentioned in clause (e) of sub rule (1) of this rule shall remain valid for 12 calendar months from the date of its approval.
- (3) In the event of the Board being unable to recommend sufficient number of candidates to fill all vacancies in a year, it shall, in consultations with the Appointing Authority, repeat the procedure as mentioned herebefore under sub-rule (1) of this rule recommending a subsequent list in the year.

Provided that the Appointing Authority shall not make appointment of any candidate from the subsequent lists until all the candidates of the earlier list of the same year, eligible for appointment, have been offered appointment.

7. Age. -

A candidates for direct recruitment to the service shall be within the following age limits on the first January of the year of advertisement with relaxation in favour of candidates belonging to special categories like Scheduled Castes, Scheduled Tribes, Ex-Servicemen and any other category as laid down by Government from time to time.

- (i) Assistant Jailer..... Minimum 21 years and
Maximum 30years.

- (ii) Male Warder Minimum 18 years and
Maximum 30 years
- (iii) Female Warder Minimum 18 Years and
Maximum 30 years.

8. Academic Qualification.

- (1) The academic qualification of candidate for direct recruitment to any of the cadre of the service shall be as prescribed by the Governor from time to time.
- (2) At the commencement of these rules the qualifications prescribed shall be as mentioned in Schedule III.

9. Physical Fitness and Standard. -

- (1) A candidate for direct recruitment shall be -
 - (a) of sound health, both mentally and physically, and free from organic defect or bodily infirmity likely to interfere with the efficient discharge of his duties; and
 - (b) required to under go and medical examination as may be necessary before appointment to the service.

- (2) A candidate for direct recruitment to the cadres of assistant Jailor and male Warder shall be -
- (a) of height not less than 162.5 centimetres (5 feet 4 inches), relaxable to 160 centimetres (5 feet 3 inches) in case of a candidate belonging to a Scheduled tribes; and
 - (b) of chest measuring not less than 81 centimetres (32 inches) when deflated
- (3) A candidate for direct recruitment to the cadre of Female Warder shall be of height not less than 144.5 centimetres (4 feet 9 inches), relaxable to 142 centimetres (4 feet 8 inches) in case of a candidate belonging to a Scheduled Tribes.

10. Character. -

A candidate for direct recruitment shall produce before the Selection Board certificates of good character from-

- (a) the head of the institution in which he studied last ;and
- (b) two respectable persons who are well acquainted with, but not related to the candidate.

11. Promotion as Assistant Jailer. -

Subject to suitability as may be decided by the Board and by the Appointing Authority as set forth in rule 13 and subject also to satisfying the following conditions, a Chief Head Warder in the Assam Subordinate Jail Service shall be eligible for promotion against 10 percent of the strength of the cadre of Assistant Jailer, namely: -

- (a) Must have passed at least H.S.L.C. Examination or on equivalent examination, as recognised by Government;
- (b) Must have rendered Service in the Assam Subordinate Jail Service for a minimum period of 10 years on the first January of the year of promotion;
- (c) Must have successfully undergone such training and passed such departmental examination as may be proscribed for the purpose:

Provided that any shortfall of this reservation occurring due to non-availability of adequate number of suitable candidates in a particular year or years, shall be filled up by direct recruitment and the backlog shall be carried forward to the subsequent years (S),

12. Promotion to other Cadres. -

Subject of suitability as may be decided by the board and by the Appointing Authority as set forth rule 13, members of the service shall be eligible for promotion from one cadre to another of the service to the extent specified in rule 5 and in the manner provided below. -

- (a) From the cadre of Superintendent of Jail (Grade - I) to the cadre of Deputy Inspector General of prisons.
- (b) From the cadre of Superintendent of Jail (Grade- II) to the cadre of Superintendent of Jail (Grade - I).
- (c) From the cadre of Jailor to the cadre of Superintendent of Jail (Grade-II) Subject to completion of a minimum period of 2 years of service as jailer;
- (d) From the cadre of Assistant Jailor to the cadre of Jailer subject to completion of a minimum period of 6 years service as Assistant Jailer;
- (e) From the cadre Head warder to the cadre of Chief Head Warder subject to completion of a minimum period of 2 years of service as Head Warder;
- (f) From the cadre of Male Warder to the cadre of Head Warder subject to completion of a minimum period of 6 years of service as Male Warder;

13. General Procedure of Promotion. -

- (1) Before the end of the each year the Appointing Authority shall make an assessment of the likely number of vacancies to be filled by Promotion in the next year in each cadre;
- (2) The Appointing Authority shall then furnish to the Board the following documents and information with regard to as may officers in order of seniority as are eligible for promotion: -
 - (a) information about the number of vacancies;
 - (b) details about reservation in case of promotion under rule 11 and about carry forward of vacancies under proviso to rule 11;
 - (c) List of officers in order of seniority eligible for promotion (separate lists for promotion to different cadres shall be furnished) indicating the cadre to which the case of promotion is to be considered;
 - (d) Character rolls and/or any other relevant record of the officers listed;

- (e) any other documents and information as may be considered necessary by the Appointing Authority or required by the Board.
- (3) The Appointing Authority shall simultaneously request the Board to recommend within one month a list of officers, found suitable for promotion in order of preference, in respect of promotion to each of the cadres in which recruitment is to be made by promotion,
- (4) The selections shall be made on the basis on merit with due regard to seniority.
- (5) The Board, after the examining the documents and information furnished by the Appointing Authority and if considered necessary, after holding necessary test and/or interview of the officers listed shall recommend to the Appointing Authority a list of officers about double the probable number of vacancies, in order of preference, four suitable for promotion to each cadre;

Provided that, notwithstanding the recruitment of Warders being made independently for different circles, the Board shall recommend only one consolidated list valid for all the circles for promotion to each of the cadres of Chief Head Warder and Head Warder against vacancies occurring in any of the circles.

- (6) On receipt of the lists recommended by the Board, the Appointing Authority: -
- (a) If it be the Governor, shall consider the lists together with character rolls and other relevant records of the officers, and approve the lists finally unless it considers any change necessary and, if it considered necessary to make any change in the lists, shall inform the Board of the changes proposed and after taking into account the comments, if any of the Board, may approve the lists finally with such modification, if any, as may in its opinion, be just and proper.
 - (b) If it be other than the Governor, of shall deem the lists as finally approved with effect from the date of recommendation by the Board.
- (7) The inclusion of Candidates name in a select lists shall confer no right to promotion unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that a candidate is suitable for promotion.
- (8) The lists finally approved by the Appointing Authority under clause, (a) of sub- rule 6 shall be published by the Appointing Authority in the Assam Gazette within 15 days from the date of final approval.

- (9) The select lists shall remain valid for 12th calendar month from the date of final approval.
- (10) The promotions shall be in accordance with the select lists as finally approved.

14. Selection Board. -

- (1) The Board for considering promotion to the cadres of Deputy Inspector General of Prisons, Superintendent of Jail (Grade -I), and Superintendent of Jail (Grade- II) shall consist of the following: -

Chairman: -

- (i) Secretary to the Government of Assam, Home (Jail) Department.

Member :-

- (ii) Secretary to the Government of Assam, Department of Personnel or his nominee

Member and Secretary: -

- (iii) Inspector General of Prisons.

- (2) The Board for considering promotion to the cadre of Jailer and considering direct recruitment as well as promotion to the cadre of Assistant Jailer shall consist of the following: -

Chairman:-

- (i) Inspector General of Prisons, Assam.

Members.-

- (ii) Deputy Secretary to the Government of Assam, Department of Personnel.
- (iii) Deputy secretary to the Government of Assam, Home Department.
- (iv) One representative of the Directorate of Employment and Craftsman Training, Assam (not below the rank of Joint Director)

Secretary: -

- (v) Deputy Inspector General of Prisons, (Head Quarter), Assam.

- (3) The Board for considering promotion to the cadres of Chief Head Warder and Head Warder shall consist of the following. -

Chairman-

- (i) Inspector General of Prisons.

Member and Secretary-

- (ii) Deputy Inspector-General of Prisons (Range).

- (4) The Board for considering recruitment to the cadres of Male Warder and Female Warder in each circle shall consist of the following -

Chairman-

- (i) Inspector General of Prisons.

Member-Convener-

- (ii) Deputy Inspector General of Prisons (Range).

**Member for recruitment centre at
Guwahati/Jorhat/Silchar. -**

- (iii) Superintendent of District Jail,
Guwahati/Jorhat/ Silchar.

In absence of Inspector General of Prisons, in any meeting due to unavoidable circumstances, the Deputy Inspector General of Prisons (Range), Assam shall preside over the Committee.

15. Disqualification. -

(1) No person shall be eligible for appointment to the service: -

- (a) unless he is a citizen of India; and
- (b) If he has more than one wife living or, in case of a female candidate, has married a person who has one wife living:

Provided that the Governor may, if he is satisfied that there are special ground for doing so, exempt any person from the operation of this clause.

(2) No person who attempts to enlist support for his candidature directly or indirectly by any recommendation; either written or oral, or by any other means, shall be appointed to the service.

16. Reservation. -

In all cases of appointment by direct recruitment or by promotion to the service, there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes (Plains) and scheduled Tribes (Hills) in accordance with the provisions of the Assam scheduled Castes and Scheduled Tribes (Reservation of vacancies in service and post) Act, 1978 and the rules of vacancies in service and post) Act, 1978 and the rules made thereunder, There shall also be reservation in favour of the Ex- Servicemen and other categories of candidates as may be determined by the Government from time to time.

17. Appointment. -

- (1) Subject to the Provision of sub-rule (2) appointment under rule 6 shall be made by the Appointing Authority in accordance with the order of preference determined in the list referred to in clause (d) of Sub-rule (1) of rule 6.
- (2) The inclusion of a candidate's name in the list mentioned in clause (d) of Sub-rule (1) of rule 6 shall confer no right to appointment unless the Appointing Authority is satisfied after such enquiry as prescribed by the Government from time to time and also such enquiry as may be considered necessary, that a

candidate is suitable in all respects for appointment to the service.

18. Joining Time. -

A person shall join within 15 days from the date of receipt of the order of appointment or of promotion, failing which the appointment shall be cancelled unless the Appointing Authority extends the period, which shall not in all, exceed three months.

19. Training. -

A member of the Service shall be required to undergo such training and pass such departmental examination as may be prescribed by the Government from time to time.

20. Discharge or Reversion. -

A temporary or officiating member shall be liable to be discharged or reverted to, the lower cadre of the service or to his original service, if -

- (a) he fails to make sufficient use of the opportunities given during any training as may be prescribed by the Government from time to time or fails to tender satisfactory service during his tenure of service in the cadre; and/or

- (b) it is found on a subsequent verification that he was initially not qualified for the appointment or that he had furnished any incorrect information with regard to his appointment:

Provided that no Male Warder or Female Warder shall be discharged and no Head Warder or Chief Head Warder shall be discharged or reverted under this rule without the prior approval of the Inspector General.

21. Seniority. -

- (1) The seniority of a member in a cadre appointed by direct recruitment or by promotion shall be determined according to the order of preference in the respective select list approved by Appointing Authority under rule 6 or in the respective select list finally approved under sub-rule (6) (b) and (8) or Rule 13, as the case may be, if he joins the appointment within 15 days from the date of receipt of the order or within the extended period as mentioned in rule 18.
- (2) If a member fails to join the appointment within the initial 15 days of receipt of the order or without the extended period, as mentioned in rule 13, but joins later, his seniority shall be determined in accordance with the date of joining.

Provided that if two or more members join on the same date after the aforesaid initial or extended period, their inter-se-seniority shall be determined in accordance with the order of preference in the select list.

- (3) A member appointed to any cadre by promotion in a year shall be senior to a member appointed to that cadre by direct recruitment in that year.

22. Probation and Confirmation. -

- (1) Subject to availability of a permanent vacancy in the respective cadre, a member appointed by direct recruitment or by promotion shall be placed, according to seniority, on probation for a period of two years against a permanent vacancy before he is confirmed against the permanent vacancy:

Provided that the period of probation may, for good and sufficient reasons be extended by the appointing authority for any specified period, not exceeding a period of two years.

Provided further that the period of probation may be curtailed or dispensed with in any case for good and sufficient reasons by the Appointing Authority.

- (2) A member of the service shall be confirmed against a permanent vacancy in the respective cadre subject to the following conditions: -
- (a) He has completed the period of probation, if any, prescribed in sub-rule (1) to the satisfaction of the Appointing Authority
 - (b) He has successfully undergone the training and passed the departmental examination, if, any, prescribed by Government under Rule 19.
- (3) If confirmation of a member is delayed on account of his failure to qualify for such confirmation, he shall lose his position in order of seniority vis-a-vis such of his juniors as might be confirmed earlier than him. His seniority shall, however, be restored on his confirmation subsequently.

23. Gradation List. -

There shall be prepared and published every year a gradation list containing the names of all members of the service cadrewise in order of seniority and such, other particulars as date of birth, date of appointment, etc.

24. Pay. -

- (1) All appointments in the service shall be made in the time scale of pay as may be prescribed by the Government from time to time.
- (2) The scales of pay of the posts in the cadres of the service, on the date of Commencement of these rules, as shown in Schedule-II.

25. Mode of Employment. -

- (1) Members of the service shall be employed in such manner as the Appointing Authority may decide.
- (2) A member of the service shall be liable to be posted anywhere within the State of Assam or outside Assam, or to any other department of the Government, a body incorporated, in the affairs of which the Government may be substantially interested, or a District Council in Autonomous District, if so required in the interest of public service and in such case the member shall not have nay option against such posting or transfer.

26. Other Conditions of Service. -

- (1) Except as provided in these rules all matters relating to pay and allowances, leave, pension, discipline and other conditions of service shall be regulated by the

general rules and/or orders of the Government, for the time being in force.

- (2) The conditions of service of the members, in respect of matters, for which no provision has been made in these rules, shall be the same, as are, for the time being, applicable to other officers of the Government, of the corresponding status and having similar functions.

27. Relaxation. -

Where the Government is satisfied that the operation of any of these rules causes under hardship in any particular case, it may dispense with or relax the conditions, as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that the case of any person shall not be dealt with in any manner less favorable to him than that provided in these rules.

28. Interpretation. -

If any question arises relating to the interpretation of these rules the decision of the Government shall be final.

29. Supersession, Repeal & Savings. -

With the commencement of these rules. -

- (a) the rules of the Assam Jail Manual in so far as they relate to matters dealt with in these rules shall stand superseded by these rules; and if any provision of the rules of the Assam jail Manual be repugnant to the corresponding provision of these rules, these rules shall prevail and the rules of the Assam Jail Manual shall, to the extent of the repugnancy, be void;
- (b) any rules, other than rules of the Assam Jail Manual, corresponding to these rules and in force immediately before commencement of these rules, shall stand repealed:

Provided that, notwithstanding such Supersession or repeal, any order made or action taken prior to such supersession or repeal under any of the rules so superseded or under any general orders ancillary thereto shall be deemed to have been validly made or taken under the corresponding provision of these rules.

SCHEDULE-I

[Rule 2]

**APPOINTING AUTHORITY IN RESPECT OF DIFFERENT
CADRES AND POSTS EQUIVALENT TO AND INCLUDED IN THE
CADRES OF THE SERVICE**

Cadre (1)	Appointing Authority (2)	Posts equivalent to and included in the cadre (3)
1. Deputy Inspector General of Prisons	Governor	...
2. Superintendent of Jail (Gr-I)	Governor
3. Superintendent of Jail (Gr-II)	Governor	Special Officer (Jails Reforms).
4. Jailer	Inspector General
5. Assistant jailor	Inspector General
6. Chief Head Warder	Deputy Inspector General of Prisons (Range)

7. Head Warder	Deputy Inspector General of Prisons (Range).
8. Male Warder	Deputy Inspector General of Prisons (Range).
9. Female Warder	Deputy Inspector General of Prisons (Range).

SCHEDULE -II

(Rule 4 and 24 (2))

STRENGTH OF EACH CADRE AND SCALE OF PAY

Cadre	Scale of pay	Number of posts		
(1)	(2)	(3) Permanent	(4) Temporary	(5) Total
1. Deputy Inspector General of Prisons.	Rs. 1200-50-1450-EB-60-2050/-	Nil	2	2
2. Superintendent of Jail (Gr-I)	Rs.875-40-1075-EB-40-1275-EB-45-1500-50-1850/-	4	Nil	4
3. Superintendent of Jail (Gr-II)	RS.800-35-975-EB-40-1175-EB-40-1295-45-1700	12	3	15

4. Jailer	Rs.975-40-1175-EB-40-1375-45-1600/-	17	3	20
5. Assistant Jailer	Rs. 580-680-EB-25-805-EB-30-1165/-	60	6	66
6. Chief Head Warder	Rs.500-12-56-EB-15-635-EB-20-875/-	2(G)	2(J) 1(S)	2(G) 2(J) 1(S)
7. Head Warder	Rs. 470-12-530-EB-12-590-EB-15-680-20-800/-	21(G) 20(J) 6(S)	2(G) 2(J) 1(S)	23(G) 22(J) 7(S)
8. Male Warder	Rs. 410-10-470-EB-10-540-Eb-13-670/-	188(g) 168(J) 50(S)	29(G) 32(J) 15(S)	217(G) 200(J) 65(S)

9.Female Warder	Rs. 410-	15(G)	10(G)	25(G)
	10-470-	13(J)	10(J)	23(J)
	EB-10-	7(S)	3(S)	10(s)
	540-EB- 13-670/-			

Note:

- (i) **'G'** denotes Guwahati Circle comprising the Jails in the district of Kamrup, Nalbari, Barpeta, Kokrajhar, Dhubri, Goalpara, Darrang and Sonitpur.
- (ii) **'J'** denotes Jorhat Circle comprising the Jails in the districts of Lakhimpur, Dibrugarh, Sibsagar, Jorhat, Nagaon and Karbi Anglong.
- (iii) **'S'** denotes Silchar Circle comprising the Jails in the district of Cachar, Karimganj and North Cachar Hills.

SCHEDULE -III

[Rule 8(2)]

Qualification Prescribed for Direct Recruitment

(1) For Assistant Jailor :

(a) Essential :- Degree in Arts/Science/Commerce of a recognised University.

(b) Desirable :-

(i) Diploma in the fields of Criminology and Correctional Work;

(ii) 'A'/'B'/'C' Certificate of membership of the National Cadre Crops (in case of candidates other than ex- Servicemen)

(2) For Male Warders :

(a) Essential :-

(i) Must have passed HSLC Examination or an equivalent examination as recognised by Government.

(ii) Must know bi-cycling.

(b) Desirable: -

(i) Should possess certificate of training in National Cadre Crops/Home Guard/Territorial Army or should be ex-servicemen;

(ii) Proficiency in sports.

(3) For Female Warder: -

(a) Essential: - Must have passed annual examination from Class VIII or an equivalent examination as recognised by Government.

(b) Desirable: - Should possess training or proficiency in handicrafts/Weaving /Tailoring.

D. N. SAIKIA,

Deputy Secy. to the Govt. of Assam,
Home (B) Department.

