



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 25th October, 2017

No. LGL.235/2017/5.— The following Act of the Assam Legislative Assembly which received the assent of the Governor on 16th October, 2017 is hereby published for general information.

ASSAM ACT NO. XLIII OF 2017

(Received the assent of the Governor on 16th October, 2017)

**THE ASSAM EMPLOYEES' PARENT RESPONSIBILITY
AND NORMS FOR ACCOUNTABILITY AND MONITORING ACT, 2017.**

AN ACT

to provide for accountability of employees of the State Government or any other organisation in the State of Assam in taking care of their parents and *divyang* siblings and in relation to the matters connected therewith or incidental thereto.

Preamble

Whereas, respect and service to one's parents is the central obligation of children that is integral part of Indian family system, for ages, and most of the families in the State, by and large, adhere to the same;

AND

Whereas with the emerging modern society, increased mobility and growth of nuclear families, instances of negligence of parents by their children have, of late, come to exist and re-kindling the family values need easily enforceable norms;

AND

Whereas the principles which govern the pension and family pension do amply expound that the family of an employee is the integral unit to lay claim over his salary and retirement benefits. The parents of the employee are inseparable part of such family system;

AND

Whereas it is expedient to provide for an enforceable morality through a certain norms, to begin with, among those employees who do neglect their dependent parents and *divyang* siblings so that each and every employee would lead as a role model in the society;

AND

Whereas it is expedient to provide for accountability of employees of the State Government or any other organisation in the State of Assam in taking care of their parents and *divyang* siblings and in relation to matters connected therewith or incidental thereto;

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

Short title,
extent and
commence-ment

1. (1) This Act may be called 'the Assam Employees' Parent Responsibility And Norms for Accountability and Monitoring Act, 2017, and in short may be called as "the Assam Employees' PRANAM Act, 2017.

(2) It extends to the whole of Assam.

(3) It shall come into force, on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires, -

(a) “**Appellate Authority**” means an officer or functionary of the State Government or Organisation, as the case may be, or such officer or functionary, superior to the Designated Authority in rank and post, as may from time to time be notified under section 13, as such by an order by the State Government or by the Organisation for the purposes of the Act, in order to admit appeals against the orders of the Designated Authority as provided in the Act;

(b) “**Apportioned Salary**” means the amount of the salary of the employee, granted by designated authority or appellate authority, that he/she should part with the dependent parents/*divyang* siblings;

(c) “**Commission**” means Assam Employees PRANAM Commission constituted and notified under section 18 of the Act or the Assam Administrative Tribunal till the Commission is notified;

(d) “**Dependent Divyang Sibling**” means a “*person with disability*” or and “*person with disability having high support needs*” as defined under the section 2 (s) and 2 (t) of The Rights of Persons with Disability Act, 2016 (No. 49 of 2016) notified by the Central Government and who is an unmarried sibling (brother/sister) of an employee and do not have adequate income of their own to support their livelihood;

(e) “**Dependent Parents**” means the mother/father or both, and dependent on his/her/their son/daughter because such parents do not have adequate source of income of their own;

(f) “**Designated Authority**” means an officer or functionary of the State Government or the Organisation, as the case may be, or such officer or functionary, not below the level of Drawing and Disbursing Authority, as may from time to time be notified under section 6 as such by an order by the State Government or by an Organisation for the purposes;

(g) **“Employee”** means any personnel appointed by and under the control of the State Government and draw his/her salary from consolidated fund of the State through Government’s treasury or appointed by any organisation functioning in the State of Assam as may be notified under section 3 (2);

(h) **“Organisation”** means an Organisation functioning in the State of Assam and notified by the State Government under section 3 (2), to be covered under the Act;

(i) **“Prescribed”** means prescribed by rules made under this Act;

(j) **“State Level Monitoring Body”** means the Body to be constituted under section 25(1) to review and monitor the implementation of various provisions of the Act;

(k) **“State Government”** means the Government of Assam.

Employees,
Responsibility,
Rights of
Dependent Parents/
Divyang Siblings

3. (1) All the employees of the State Government shall be governed by the provisions of this Act.

(2) The State Government may notify the organisations functioning within the State of Assam to be covered under this Act. The employees of such organisation shall be governed by the provisions of this Act and the rules to be prescribed under this Act.

Responsibility and
care of the
dependent Parents/
divyang siblings

4. (1) Each employee of the State Government is responsible to take care of the parents/*divyang* siblings and any deviation in this regard shall be dealt with under the provisions of this Act.

(2) The relevant Conduct Rules of the employees of the State Government or an Organisation shall be amended to include the above, within six months from the date of commencement of this Act or otherwise the Conduct Rules applicable to the respective categories of the employees deemed to have been amended after six months from the date of commencement of this Act.

Rights of the
dependent Parents/
Divyang siblings to
seek apportioned
salary

5. (1) Both or either of the dependent parents or dependent *divyang* siblings of an employee, as the case may be, may apply, in writing before the Designated Authority notified under section 6, seeking apportioned salary of the employee, to be paid to them directly by the Drawing and Disbursing Officer on monthly basis from the salary of the employee:

Provided that such dependent parents/*divyang* siblings, *prima facie*, establish that they do not have adequate source of income to maintain their livelihood in a dignified manner and they are in need of financial support from the employee:

(2) Such application of the dependent parents/*divyang* sibling should clearly state the personal monthly income from all sources of the parents and the nature of support, financial and otherwise, which has been presently given to them by the employee.

Designated
Authority and
Accountability

6. The State Government or the Organisation, as the case may be, shall notify, from time to time, by order, an officer or functionary of the state Government or the Organisation, as the case may be, as the Designated Authority for the purposes of considering the applications received from the aggrieved dependent parents/*divyang* siblings seeking apportioned salary of an employee.

Time Period
for disposal of
application

7. Upon receipt of such application from the dependent parents/*divyang* sibling, the Designated Authority shall decide the eligibility of such claim and dispose of the application within a period of not more than *ninety* days from the date of receipt of such application, after giving the applicant and the employee concerned a reasonable opportunity of being heard.

Quantum of
Apportioned
Salary and
Ceiling thereon

8. If the Designated Authority considers appropriate, it shall sanction the apportioned salary of the employee to his dependent parents/*divyang* siblings within the period of *ninety days* as mentioned in section 7 and issue directions to the Drawing and Disbursement Officer concerned clearly stating the apportioned amount to be paid on monthly basis directly to the dependent parents with effect from the succeeding month of the date of the order:

Provided that such apportioned amount shall not exceed 10% of the monthly gross salary being paid to the employee except in exceptional cases only where it may go upto 15% of the monthly gross salary.

Designated
Authority to be
quasi-judicial
Authority

9. The designated authority, while hearing an application under section 7 shall exercise quasi-judicial powers.

Rejection of
application

10. If the case is not found to be fit to be considered under the provisions of the Act and the relevant Rules there under, Designated Authority may reject the application within the stipulated period of *ninety days* bringing out cogent reasons thereof, in the form of speaking order, with due intimation, in writing, to all concerned.

- Right to appeal** 11. If the Designated Authority does not dispose of the case within the stipulated period of *ninety days*, the dependent parents/*divyang* sibling or employee has the right to appeal before the Appellate Authority as per the procedure as may be prescribed.
- Right to Appeal against orders of the Designated Authority** 12. The employee or the dependent parents/*divyang* siblings as the case may be, aggrieved by the orders of the Designated Authority may prefer an appeal before the Appellate Authority against the orders of the Designated Authority within *one month* from the date of receipt of such order.
- Appellate Authority and Accountability** 13. The State Government or the Organisation, as the case may be, shall, by order notify an officer or functionary of the State Government or the Organisation as the case may be, as the Appellate Authority, in order to consider appeals against the orders of the Designated Authority disposing an application seeking apportioned salary.
- Appellate Authority to have quasi-judicial power** 14. The Appellate Authority shall hear the appeal preferred under section 13, by giving reasonable opportunity of being heard to both the parties and pass such order as may be deemed necessary. While passing an order under this section, the Appellate Authority shall exercise quasi-judicial powers.
- Time limit for the disposal of appeal** 15. Upon receipt of appeal from the aggrieved dependent parents/*divyang* sibling or employee concerned, the Appellate Authority shall decide the appeal within a period of *not more than sixty days* from the date of receipt of such application.
- Communication of the Orders of the Appellate Authority** 16. After hearing the appeal if the Appellate Authority considers it appropriate, it shall direct the Designated Authority, in writing, to sanction a certain amount of the apportioned salary of the employee as may be fixed in his order, to his dependent parents/*divyang* sibling with effect from the succeeding month of the date of the order:
 Provided that such apportioned amount granted shall not exceed 10% of the gross salary being paid to the employee except in exceptional cases only where it may go up to 15% of the monthly gross salary.
- Rejection of Appeal by the Appellate Authority** 17. If after consideration of all the relevant facts, the Appellate Authority is satisfied that the appeal is not found to be fit for consideration as per the relevant provisions of the Act and the Rules framed there under, the Appellate Authority may

reject the appeal, within the stipulated period of *sixty days* clearly stating the cogent reasons thereof, with a clear speaking orders, with due intimation, in writing, to all concerned.

Constitution of
Assam
Employees
PRANAM
Commission

18. (1) The State Government shall, by notification in the Official Gazette, constitute a body to be known as the **Assam State Employees PRANAM Commission** to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) Till the Commission is constituted, Assam Administrative Tribunal shall exercise the powers and functions of the Commission under this Act with effect from such date as the State Government may notify in this behalf in the official Gazette.

(3) The **Assam State Employees PRANAM Commission** shall consist of,-

(a) Chief Commissioner, and

(b) Commissioners, not exceeding two, as may be deemed necessary.

(4) The Chief Commissioner and the Commissioners shall be appointed by the State Government by notification from time to time, from among the persons possessing the qualification and experience as mentioned in sub-sections (6) and (7) respectively.

(5) The general superintendence, direction and management of the affairs of the Commission shall vest in the Chief Commissioner who shall be assisted by the Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Commission autonomously without being subjected to directions by any other authority under this Act.

(6) The Chief Commissioner shall be appointed from amongst the persons who has worked in the State Government of Assam not lower in rank than that of an Additional Chief Secretary.

(7) The Commissioners shall be persons with wide knowledge and experience in law, social service, administration and governance or must have worked under the State Government not lower in rank than that of a Commissioner and Secretary to the Government of Assam.

(8) The headquarters of the Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify:

Provided that the Commission may establish such number of office or offices in such other place / places in the state, with the previous approval of the State Government.