



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 30th June, 2023

No. LGL.06/2023/8.— The following Ordinance of the Assam Legislative Assembly which was promulgated by the Governor of Assam on 27th June, 2023 is hereby published for general information.

**ASSAM ORDINANCE NO. IV OF 2023
ASSAM RIGHT TO PUBLIC SERVICE
(AMENDMENT) ORDINANCE, 2023**

AN
ORDINANCE

further to amend the Assam Right to Public Service Act, 2012.

Preamble

Whereas the Legislative Assembly of the State of Assam is not in session and the Governor of Assam is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Assam Right to Public Service Act, 2012, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam
Act IX
of 2012**

Now, therefore, in exercise of powers conferred under clause (1) of Article 213 of the Constitution of India, the Governor of Assam is pleased to promulgate in the Seventy-fourth Year of the Republic of India, the following Ordinance, namely:-

**Short title,
extent and
commencement**

1. (1) This Ordinance may be called the Assam Right to Public Service (Amendment) Ordinance, 2023.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of
section 8A**

2. In the principal Act, in section 8A,-
 - (i) for sub-section (3), the following shall be substituted, namely:-

“(3) The Chief Commissioner and the Commissioners of the Commission shall be appointed by the Governor on the recommendation of a Committee consisting of the following members, namely:-

- a) the Chief Minister, who shall be the Chairperson of the Committee;
- b) the Leader of Opposition in the Legislative Assembly; and
- c) a Cabinet Minister to be nominated by the Chief Minister.

Explanation—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.”;

- (ii) for sub-section (5), the following shall be substituted, namely:-

“(5) The Chief Commissioner of the Commission shall be appointed from amongst the retired officers of the State Government who had held a post not lower in rank than that of a Principal Secretary to the Government of Assam having wide range of experience in the field of Public Administration.”;

- (iii) for sub-section (6), the following shall be substituted, namely:-

“(6) Not less than one Commissioner shall be appointed from amongst the persons who have held a post not lower in rank than that of a Commissioner and Secretary to the Government of Assam. The other Commissioner shall be appointed from persons of eminence in public life with wide knowledge and experience in the field of Law, Science and Technology, Social Service, Management, Journalism and Mass Media.”;

- (iv) for sub-section (7), in second line, in between the words, “Commissioners” and “shall” the words “of the Commission” shall be inserted.

Amendment of section 8 B

3. In the principal Act, in section 8B,-

- (i) in sub-section (1), in second line, for the words “five” appearing in between the words, “term of” and “years” the word “three” shall be substituted;

- (ii) for sub-section (2), the following shall be substituted, namely:-

“(2) Every Commissioner shall hold office for a term of three years from the date on which he enters upon his office or till he attains the age of sixty- five years, whichever is earlier, and shall not be eligible for re-appointment as such Commissioner:

Provided that every Commissioner shall be eligible for appointment as the Chief Commissioner of the Commission on vacating office by the Chief Commissioner, in the manner as specified in sub-section (3) of section 8A of the Act:

Provided further that when the Commissioner is appointed as the Chief Commissioner of the Commission his term of office shall not be more than five years in aggregate as the Commissioner and the Chief Commissioner of the Commission:

Provided also that the Chief Commissioner or the Commissioners, who on the date of his appointment to the Commission, if was in the service of Central or State Government he shall be deemed to have been retired from such service with effect from the date of his appointment as the Chief Commissioner or the Commissioner of the Commission."

GULAB CHAND KATARIA
GOVERNOR OF ASSAM

GEETANJALI DAS SAIKIA,
Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.