



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 27th January, 2022

No. LGL.194/2021/28.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of 24th January, 2022 is hereby published for general information.

ASSAM ACT NO. XLII OF 2021

(Received the assent of the Governor on 24th January, 2022)

**THE ASSAM DIRECT RECRUITMENT COMMISSIONS FOR
ANALOGOUS POSTS IN CLASS-III AND CLASS-IV ACT, 2021**

AN ACT

for constitution of the Assam Direct Recruitment Commission for Analogous Posts in Class- III and the Assam Direct Recruitment Commission for Analogous Posts in Class- IV for bringing uniformity in selection procedure of candidates for technical and non technical Class III and Class IV posts and for matter connected and incidental therewith.

Preamble

WHEREAS, to provide for regulating the process of direct recruitment for appointment to Class-III and Class-IV posts in different offices under the Government of Assam, necessary eligibility conditions which are similar, by holding a common selection test through a Commission, with the objective to streamline and expedite the recruitment process, to curb expenditure due to holding of multiple recruitment for similar posts in different offices by different Boards and to give respite to the aspiring candidates from applying and appearing in different recruitment tests for similar posts under different Departments and matters connected therewith or incidental thereto.

It is hereby enacted in the Seventy-second Year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called The Assam Direct Recruitment Commissions for Analogous Posts in Class-III and Class-IV Act, 2021.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,-
 - (a) 'Appointing Authority' means the Authority to whom the power of appointment is delegated as per existing laws, service rules, Executive Order, etc. ;
 - (b) 'Class- III posts' means posts under Group- C;
 - (c) 'Class- IV posts' means posts under Group- D;
 - (d) 'Commission' means two recruitment commissions to be constituted under section 5 of the Act;
 - (e) 'Chairman' means a member of the Commission, who is appointed as Chairman;
 - (f) 'Department' means various administrative Departments under the Government of Assam;

- (g) 'Executive order' or 'Service Order' means an order issued by the Governor for regulating the recruitment and other conditions of service of a person appointed to public services and posts in connection with the affairs of the State, rules for which are yet to be framed under the Constitution of India;
- (h) 'Governor' means the Governor of the State of Assam;
- (i) 'Government' means the Government of Assam in the Personnel Department;
- (j) 'Member' means a member of the 'Commission' and includes the Chairman thereof;
- (k) 'Non-Technical posts' means such posts for which eligibility conditions as to minimum educational qualification is Bachelor's degree, Higher Secondary passed or Class ten passed with or without computer skill;
- (l) 'Prescribed' means prescribed by rules under this Act;
- (m) 'Reserved categories' means and includes the Scheduled Castes, Scheduled Tribes (Plains), Scheduled Tribes (Hills) and OBC including MOBC, Ex-Serviceman, physically handicapped persons, women and any other category of persons declared as such by Government from time to time;
- (n) 'Service Rules' means rules made under the proviso to Article 309 of the Constitution of India regulating the recruitment, and the conditions of service of persons appointed to public services and posts in connection with the affairs of the State;
- (o) 'Specified' means as specified by rules under this Act;
- (p) 'Staff' means staff engaged to assist a Commission;
- (q) 'Technical posts' means such posts for which there are certain additional special or specified eligibility educational qualification/ condition, other than the general qualifications of Bachelor's degree, Higher Secondary passed or Class ten passed or computer skill;
- (r) 'Year' means the calendar year;

- Applications**
3. The provisions of this Act shall apply for direct recruitment to all Class-III posts, both technical and non-technical and Class-IV posts, under the Government of Assam:
Provided that the Government may, by specific or general notification, exclude certain posts or category of posts from the purview of this Act.
- Direct Recruitment**
4. Direct recruitment to Class-III and Class-IV posts in the offices under the Government of Assam, other than the posts that are excluded from the purview of this Act under section 3, shall be made in accordance with the provisions of this Act.
- Constitution of Commissions**
5. (1) The Governor shall, by notification, constitute two State Level Direct Recruitment Commissions as provided herein below to exercise the powers conferred on and to perform the functions assigned to them under this Act:-
- (a) The Commission for direct recruitment of candidates for Class-III posts shall be known as the **State Level Recruitment Commission for Class-III Posts**;
- (b) The Commission for direct recruitment of candidates for Class-IV posts shall be known as the **State Level Recruitment Commission for Class-IV Posts**;
- (2) The composition of the Commissions shall be as under:-
- (a) Each of the Commission shall consist of a Chairman, who is serving in the rank of Additional Chief Secretary/ Principal Secretary to the Government of Assam and two members who are serving in the rank of Commissioner and Secretary/Secretary to the Government of Assam.
- (b) The Governor shall, by Notification, appoint the Chairman and Members partially placing their services at the disposal of the respective Commissions.
- (c) Offices of the Commissions shall be in Guwahati at a premises selected by the respective Commissions.

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| Term of office of the Chairman and Members of the Commissions | 6. | <p>(1) The term of office of the Chairman and the Members of the Commissions shall be for a period to be notified by the Government from time to time.</p> <p>(2) Notwithstanding anything contained in sub-section (1) above, the Governor, when satisfied that the Chairman or any Member of any of these Commissions is/are unfit to continue in the Commission or his continuance is likely to adversely affect the functioning of the Commission, may, in the interest of the public service remove such Chairman or Member from the respective office of the Commission.</p> |
| Staff of the Commissions | 7. | <p>(1) The staff of a Commission shall include a Secretary and such number of officers and other staff as the Government from time to time determine.</p> <p>(2) The Governor shall, by notification, appoint an officer, not below the rank of a Deputy Secretary to the Government of Assam, as a Secretary to the respective Commissions placing his services partially at the disposal of the Commission normally for a period of three years or as otherwise decided by the Government.</p> <p>(3) The Government may, by notification, appoint a number of other officers as and when necessary to assist a Commission by placing their services partially at the disposal of the Commission.</p> <p>(4) Necessary staff for the Commissions shall be placed temporarily as additional charge or on secondment basis or appointed by the Government.</p> <p>(5) The Governor, when satisfied that the Secretary, any officer or any of the staff of a Commission is unfit to continue in the Commission or his continuance is likely to adversely affect the functioning of the Commission, may, in the interest of the public service remove such Secretary, officer or staff from the office of the Commission.</p> |
| Conditions of service of the Chairman, Members and other Officers and Staff of the Commissions | 8. | <p>The pay and other conditions of service of the Chairman, Members, Secretary, other officers and staff of the two Commissions shall be as per the terms of service to which one belongs or as per the extant policy of the Government.</p> |
| Powers and Functions of the Commissions | 9. | <p>(1) Notwithstanding anything contained in any other law for the time being in force, the respective Commissions</p> |

shall be the competent authority to conduct the direct recruitment process and make recommendations for appointment to the categories of posts in Class-III and Class-IV, other than the posts that are excluded from the purview of this Act under section 3 of the Act:

Provided that, the Commissions may also conduct the direct recruitment process and make recommendations for appointment to Class III and Class IV posts to any State Public Sector Undertaking or State Society or State Mission, if requested subject to approval of the Government.

- (2) Notwithstanding anything contained in any other law for the time being in force, the respective Commissions:-
 - (i) shall conduct the direct recruitment process and make recommendations for appointment to the categories of posts in Class-III and Class-IV, other than the posts that are excluded from the purview of this Act under section 3, against the vacancies intimated by the Departments;
 - (ii) may conduct any part or the whole of the recruitment process themselves or through a University, Board of Secondary Education, Assam or any other agency/agencies as deemed to be competent with the approval of the Government.
- (3) On matters relating to methods of direct recruitment to, or any matter relating to the posts, other than the posts that are excluded from the purview of this Act under section 3, it shall be the duty of the respective Commissions to advice on such matters so referred to by any Government Department.
- (4) In case of any difference of opinion between a Commission and a Department on any matter, the concerned Department shall refer the matter to the Government for a decision.
- (5) A Commission may call for any record, report or information from any appointing authority or Department which, in the opinion of the Commission, is necessary for efficient discharge of its functions and the concerned Appointing Authority or Department shall furnish the same to the Commission expeditiously.
- (6) The procedure for conduct of business of a Commission shall be such as may be provided for by regulations consistent with provisions of this Act and the rules made under this Act.

- (7) The Commissions shall have the power to engage any officer or staff as may be required for the conduct of particular examination advertised by the Commission and these officers and staff so engaged shall be deemed to be under deputation to the Commission for the said period.
- (8) The respective Commissions shall have the power of overall superintendence, direction and control over all the officers and staff engaged in the examination process.
- (9) The Commission may recommend, to the Disciplinary Authority, legal or Departmental action against the Secretary, other officers and staff of a Commission, including any officer or staff engaged in the examination process, for misconduct or for commission or omission of any act detrimental to the Commission or for conduct unbecoming of a Government servant.
- (10) Such recommendation shall be promptly acted upon by the Disciplinary Authority and the action taken shall be communicated to the Commission within a period of three months from the date of the Commission's recommendation.

Procedure for Direct
Recruitment

10. (1) The eligibility conditions as to minimum educational qualification, essential experience, if any, age limit and reservations for the reserved categories, applicable for the vacant posts shall be as provided for in the respective Service Rules, Executive Orders and as per general or specified provisions:

Provided that the Government shall prescribe or modify the eligibility conditions as to minimum educational qualification, essential experience, if any, applicable in respect of any post or category of posts in the interest of streamlining and regulating the process of direct recruitment in consultation with respective Departments, where necessary, and in the event of such new prescribed/modified minimum essential qualifications, essential experience under the provision of this Act, these prescribed or modified eligibility conditions as to minimum educational qualification and essential experience shall prevail over such essential educational qualification and experience under the existing Service Rules, Recruitment Rules, Executive Orders/Service Orders or any other provision for the purpose of appointment under the provision of this Act.

- (2) Immediately after constitution, of the respective Commissions, they shall inform the Departments to submit requisition in prescribed form within a specified date in respect of the posts, other than the posts that are excluded from its purview as per section 3 of the Act, as per procedure prescribed by rules to be framed under the provision of this Act for selection and recommendation of candidates against vacant posts.
- (3) The Appointing Authorities shall make assessments regarding the existing and likely vacancies to be filled by direct recruitment and, within the date specified by the Commissions, shall through their administrative Departments, intimate the same to the respective Commissions together with all details including that of reservation for the reserved categories.

Thereafter, before the end of each year the Appointing Authorities shall make assessments regarding the existing vacancies and the likely number of vacancies to be filled by direct recruitment during the next twelve months and, through their administrative Departments, shall intimate the same to the respective Commissions together with the details about reservation for the reserved categories.
- (4) On receipt of the requisitions for selection of candidates, the Commissions shall check the details furnished by the respective Departments and on being satisfied as regard the correctness of the details furnished, shall publish advertisement/s through widely circulated local newspapers calling for applications from aspiring candidates and all details as to application forms and other requirements shall also be made available in the Commission's website, from which the application forms may be downloaded.
- (5) Any test, written examination, practical examination or interview to be held for the direct recruitment and the manner in which the direct recruitment shall be conducted, shall be such as may be prescribed by the Government in the rules to be framed under the provision of this Act.

Effect of
recommendation of the
Commission

11. Notwithstanding anything contained in any other law for the time being in force, the appointments to the posts specified by this Act shall be made on the recommendation of the respective Commissions subject to following due procedure of appointment by the appointing authorities in concerned Offices, Directorates, or Departments or as the case may be.

- Fund for the Commissions
12. (1) The Government shall make available the necessary funds to the Commissions to meet the expenditures relating to office expenses, salary and allowances of officers and staff and conduct of recruitment process.
- (2) The Secretary to the Commission shall be the Drawing and Disbursing Officer and shall take the approval of the Commission on all financial matters.
- (3) The rules and regulations and any other provisions and guidelines of the Government of Assam shall be applicable to the Commission in respect of all financial matters.
- Furnishing of returns, keeping of records etc
13. (1) The Commissions shall furnish to the Government in the Personnel Department such returns, statistics, reports, accounts and other information with respect to conduct of their affairs or activities as may be required by the Government from time to time.
- (2) The Commissions shall furnish to the Government an annual report on their working in the month of March in such form and detail as may be prescribed.
- (3) On completion of every recruitment process, the Commissions shall keep all records and documents relating to the recruitment, properly catalogued and sealed under the signatures of the Chairman and the Members, under the custody of the Secretary.
- Authentication of orders and documents of Commission
14. All permissions, orders, decisions, notices and other documents of the Commissions shall be authenticated by the signature of an officer authorised by the Commissions in this behalf.
- Power of the Government to make rules
15. (1) The Government, may make rules for carrying out the purposes of this Act
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -
- (a) Specifying posts or category of posts in Class-III and Class-IV to which recruitment shall be made under section 3 of the Act;
- (b) Prescribing procedure of direct recruitment under section 4 of the Act;

- (c) Prescribing or modifying the minimum essential qualifications, essential experience, if any in respect of any post or category of posts under sub-section (1) of section 10;
- (d) Prescribing a format for submitting requisition to the Commission regarding vacant posts to be filled up under sub-section (2) of section 10;
- (e) Prescribing test, written examination, practical examination or interview to be held and manner of holding these for the direct recruitment under sub-section (5) of section 10.

Power of Commission to make regulation

16. (1) A Commission, may, with prior approval of the Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-
- (a) Manner of conducting written tests, examinations, practical examinations or interviews and selection of candidates for recommendation under sub-section (2) of section 9;
 - (b) The procedure for conduct of business of the Commission under sub-section (6) of section 9;
 - (c) Time limit and the manner in which the departments shall intimate the details of vacancies as per sub-section (2) of section 10;
 - (d) Specifying the mode of arranging the selected candidates in order of merit keeping in view the number of vacancies to be filled;
 - (e) Specifying the manner of forwarding the list of selected candidates arranged as per their merits to the appointing authorities;
 - (f) Specifying details of the manner and mode in which advertisements are to be issued for inviting and receiving applications under sub-section (4) of section 10.

- Validation 17. The proceedings of the Commission shall not be invalidated by reasons of any vacancy in the office of the Chairman or any other member.
- Power to remove difficulties 18. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order not inconsistent with the provisions of this Act, remove the difficulty.
- Protection of action taken in good faith 19. No suit, prosecution, or other legal proceeding shall lie against the State Government or the Chairman/s and Members of the Commissions or any officer and staff appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made there under.
- Act to override other laws 20. The provisions of this Act shall have overriding effect, notwithstanding anything inconsistent therewith contained in other state laws for the time being in force.
- Repeal and Savings 21. The provisions for direct recruitment incorporated in any rules or orders in respect of the Class III and Class IV posts, other than such posts which are excluded from the purview of this Act under section 3, are hereby repealed:
Provided that:
(1) any recruitment process/es, for which advertisement/s has/ have been issued or, which is at any stage of recruitment/s shall be completed as per the existing provision under which advertisement/s was/ were made;
(2) all service conditions for all posts, shall continue to be governed as per the existing provisions in any rules or orders where these are incorporated;
(3) the provisions of direct recruitment to posts which are not under the purview of this Act shall continue to be governed as per the existing provisions in any rules or orders where these are incorporated.

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