

Arunachal Pradesh Staff Selection Board Act, 2018

ARUNACHAL PRADESH

India

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Act 14 of 2018

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Arunachal Pradesh Staff Selection Board Act, 2018(Act No. 14 of 2018)Last Updated 24th February, 2020(Received the assent of the Governor on 1st October, 2018)An Act to provide for constitution of Arunachal Pradesh Staff Selection Board for the purpose of conducting examinations and selection of candidates for appointments to the subordinate services/Group - C posts in the Government Departments, organizations and autonomous bodies established/constituted by the State Government and Semi- Government Organizations etc. and also to provide the procedure to be followed by the Arunachal Pradesh Staff Selection Board, its functions and for matters connected therewith or incidental thereto.Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-ninth Year of the Republic of India, as follows:

1. Short title extent and commencement.

(1)This Act may be called the Arunachal Pradesh Staff Selection Board , Act, 2018.(2)It shall extend to the whole of the State of Arunachal Pradesh.(3)It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires,(a)"Board" means the Arunachal Pradesh Staff Selection Board constituted under section 3 ;(b)"Chairperson" means the Chairperson of the Board and includes an acting Chairman appointed by the Government;(c)"Controller of Examinations" means the Controller of Examinations of the Board.(d)"Department" means a department of the Government and includes Organizations and autonomous bodies established/constituted by the Government and Semi- Government Organizations.(e)"Direct recruitment" means the method of recruitment as provided under the rules regulating the recruitment to the subordinate services/ Group- C posts ;(f)"Governor" means the Governor of the State of Arunachal Pradesh;(g)"Government" means the Government of Arunachal Pradesh ;(h)"Member" means a member of the Board ;(i)"notification" means a notification published in the Official Gazette of the

Government ;(i)"Official Gazette" means the Official Gazette of the Government of Arunachal Pradesh ;(k)"Prescribed" means prescribed by rules made under this Act ;(l)"Regulations" means regulations made by the Board under section 23 of this Act ;(m)"Secretary" means the Secretary of the Board ;(n)"State" means the State of Arunachal Pradesh ;(o)"subordinate services/posts" means all Group "C" posts in the Government Departments, organizations and autonomous bodies established/ constituted by the Government and Semi-Government Organizations and includes such other services/posts as may be notified by the Government to be subordinate services/posts, but shall not include the tenure posts which are created for the Office of the Chief Minister/ Minister, Leader of Opposition, Advocate General and all other tenure posts wherein the Government makes appointments.

3. Constitution of the Board.

(1)The Government shall, by notification in the Official Gazette, constitute a Board to be called the "Arunachal Pradesh Staff Selection Board" to exercise the powers conferred on it and to perform the functions assigned to it, under this Act.(2)The Board shall consist of,(a)A Chairperson, who shall be an officer from the Indian Administrative Service in the pay not below that of Super-time scale;(b)two members, who shall be officers of the Government, or taken on deputation, in the pay scale not below that of Selection Grade;(c)a Controller of Examinations, who shall either be an officer of the Government, or taken on deputation, in the pay scale not below that of Selection Grade;(d)a Secretary, who shall be an officer of the Government in the pay scale not below Senior scale.

4. Appointment, terms of office and conditions of service of the Chairperson and members.

(1)The Chairperson and other members of the Board shall be appointed by the Governor and shall hold office during his pleasure.(2)The normal tenure of the members of the Board shall be two years.Provided that a member who is appointed on deputation, may be of three years extend able to five years

5. Officer and other Employees of the Board.

(1)The Government shall provide the Board with such other officers and employees as may be necessary for the efficient performance of the functions of the Board under this Act.(2)The salaries and allowances payable to, and the other terms and conditions of service of, the members. officers and other employees of the Board, shall be such as may be prescribed.

6. Duties and functions of the Board.

(1)Notwithstanding anything contained in any other law for the time being in force it shall be the duty of the Board to conduct examinations and select candidates for appointments to the subordinate services/posts.(2)It shall be the duty of the Board to perform such other functions and

duties as the Government may, by notification, specify.(3)It shall be the duty of the Board to conduct departmental examinations and advice the Government in such matters and on such other matters as may be referred to it by the Government.(4)Notwithstanding anything contained in any other law for the time being in force, or rules, regulations, bye laws framed thereunder, relating to the appointment to the services/posts in, and conditions of service of employees of, the Government Departments, organizations and autonomous bodies established/ constituted by the Government and Semi-Government Organizations, the Board shall be the authority competent to conduct examinations for appointments to the subordinate services/posts of such Government Departments, organizations and autonomous bodies and Semi-Government Organizations, and it shall be the duty of the Board to conduct such examinations.(5)On all matters relating to methods of recruitment to, or any other matter relating to, the subordinate services/posts it shall be the duty of the Board to advise on any matters so referred to by the Government Department, an organization or autonomous body established/ constituted by the Government, or a Semi-Government Organization.(6)The Government may, however, make orders specifying the matters in which either generally or in any particular class of cases or in any particular circumstances, it shall not be necessary for the Board to be consulted.(7)In the case of any difference of opinion between the Board and the Government Department, or an organization or autonomous body established/constituted by the Government, or the Semi-Government Organizations, or on any other matter, the concerned Government Department, or an organisation or autonomous body, or the Semi- Government organisation, shall refer the matter to the Department of Administrative Reforms, Government of Arunachal Pradesh and the decision of the Government thereon shall be final.

7. Duties and functions of the Chairman.

- The Chairman, as administrative head of the Board, shall be responsible for-(a)ascertaining well in advance but not less than one year, from the departments, the number of posts for which recruitment is to be made, from time to time;(b)inviting applications by means of advertisements;(c)scrutinizing applications received in response to advertisements;(d)responsibility for engaging confidential printer and for getting question papers prepared ;(e)conducting of competitive examination for the candidates ;(f)selection and preparation of merit list of the successful candidates ;(g)recommending to the departments concerned names of selected candidates ;(h)maintaining records of selections by the Board ;(i)any other duty, or duties, entrusted to the Board by the Government, from time to time.

8. Duties and functions of the members.

- The members shall assist the Chairman in conduct of the examinations and perform other such duties as directed or delegated by the Chairman.

9. Duties and functions of the Controller of Examinations.

- The Controller of Examinations shall, under the overall supervision and guidance of the Chairman, be responsible for -(a)the actual conduct of the examination process excluding the - preparation and

printing of the question papers;(b)the safe custody of examination materials, both before and after the examination ;(c)the preparation, confidentiality, accuracy and publication of the results ;(d)recommend and ensure the process of up gradation and reform of examination process subject to the approval of the Board ;(e)Maintaining of records of all examinations conducted by the Board.Provided that the Chairman may, assign such other duties or functions to the Controller of Examinations, or may assign all or any of the functions of the Controller of Examinations to any other official of the Board, if, in his opinion, it is necessary to do so in the interest of confidentiality, speed and smooth conduct of the examination process.

10. Duties and functions of the secretary.

- The Secretary shall be responsible for -(a)Preparing the agenda for, and for keeping record of all deliberations of, the meetings of the Board;(b)representing the Board in all litigation's.(c)carrying out such other duties which may be assigned by the Chairman from time to time.

11. Manner of selection of candidates, procedure for conduct of business of the Board, certain special provisions relating to intimation of vacancies to Board and their advertisement.

(1)The manner of conducting examinations and selection of candidates for appointment to the subordinate services/posts shall be such as may be provided for by regulations.(2)The procedure for conduct of business of the Board shall be such as may be provided for by regulations.(3)Every Head of the Government Department, organization or autonomous body established/constituted by the Government and semi-Government organization shall, every year, intimate the Board the number of vacancies including those anticipated in course of the year, within such time and in such manner as may be provided for by regulations.(4)In matters for which no provision is made in this section, the Government may make rules in consultation with the Board; and subject to the provisions of such rules, the Board may regulate its proceedings.

12. Effect of recommendation of board.

- Notwithstanding anything contained in any other law for the time being in force the recruitment to the subordinate services/posts shall be made on the recommendations of the Board.

13. Furnishing of returns,etc.

(1)The Board shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to conduct of it's affairs or activities as may be required by the Government from time to time.(2)The Board shall furnish to the Government an annual report on it's working as soon as may be after the end of each financial year in such form and detail as may be prescribed.

14. Fees.

- The Board shall for the purpose of discharging its functions of conducting examinations and selecting candidates for appointments to the subordinate services/posts may levy such fees as may be prescribed.

15. Board may call for records.

- The Board may call for any record, report or information from any appointing authority or the Government office which in its opinion, is necessary for efficient discharge of its functions and the concerned authorities shall be bound to furnish such records, reports or information to the Board.

16. Chairperson and members of Board deemed to be the Public Servants.

- The Chairperson and the other members of the Board appointed under this Act shall, while acting or purporting to act under this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

17. Vacancies, etc. not to invalidate proceedings of the Board.

- No act or proceedings of the Board shall be questioned or shall become invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of the Board.

18. General powers of the Board.

- Subject to the provisions of this Act, the Board shall have the powers, (a) to constitute advisory committee to advise the Board; (b) to engage suitable consultants/experts or persons having special knowledge or skills to assist the Board in the performance of its functions; (c) subject to the previous permission of the Government, to delegate any of its powers generally or specially to any of its committees or Officers; (d) to enter into and perform all such contracts, as it may consider necessary or expedient, for carrying out any of its functions; (e) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and carrying out the purposes of this Act.

19. Status of the board.

- The Board shall be an attached office of the Department of Administrative Reforms but shall function in an autonomous manner in respect of carrying out the examination process and other functions as provided under this Act. (2) Nothing provided in sub-section (1) shall prevent the Government in issuing policy directives or any other instruction to the Board in any matter, and the Board shall be bound by such orders.

20. Delegation of powers.

- The Chairman shall have the administrative and financial powers of the Commissioner to the Government and the Secretary shall have the administrative and financial powers of the Head of Office. Provided that the Government may make such further administrative and financial delegation to the Chairman as may be required in the interest of confidentiality of the examination process.

21. Authentication of orders and documents of Board.

- All permissions, orders, decisions, notices and other documents of the Board shall be authenticated by the signatures of officer authorized by the Board in this behalf.

22. Power to make rules.

(1) The Government may, by notification, make rules for the purpose of carrying out the provisions 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) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and the members ; (b) the salaries and allowances payable to, and the other terms and conditions of service of, the Secretary, the officers and other employees of the Board ; (c) All or any matters for which no provision has been made under the Act ; (d) form and the details of the annual report to be furnished by the Board to the Government ; (e) fees to be levied under section 14 ; (3) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

23. Power to make regulations.

(1) The Board 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 purposes 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 examinations and selection of candidates for appointment to the subordinate services/posts, under subsection (1) of section 11 (b) procedure for conduct of business of the Board under sub-section (2) of section 11 ; (c) time frame and the manner in which the Government Departments, organizations and autonomous bodies established/constituted by the Government and Semi-Government Organizations shall intimate the number of vacancies to the Board under sub-section (3) of section 11 ; (d) specifying the mode of selection and fixing criteria for selection of candidates to subordinate services/posts as it may deem appropriate in consultation with the concerned Government Department, organization or autonomous body established/constituted by the Government or Semi-Government Organization ; (e) specifying the mode of arranging the selected candidates in the order of merit keeping in view the number of vacancies reported for being filled ; (f) specifying the manner of forwarding the list of selected candidates arranged as per their merit to the appointing Authority ; (g) specifying the manner in which an advertisement may be issued, for inviting applications ; (h) specifying the mode for publication of advertisement inviting applications. (3) No regulation or

its amendment shall have effect until the same is approved by the Government.

24. Power to remove difficulties.

(1) 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 : Provided that no such order shall be made after the expiration of a period of two years from the date of commencement of this Act. (2) Every order made under this section shall, as soon as, may be after it is made, be laid before the Legislative Assembly of Arunachal Pradesh.