

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

Registered No.-768/97 THE ASSAM GAZETTE EXTRAORDINARY PUBLISHED BY THE AUTHORITY 1939 et*) No. 619 Dispur, Friday, 27th October, 2017, 5th Kartika, 1939 (S.E.) 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, 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. 4682 Preamble •dtle, extent and THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 AN ACT to provide for accountability of employees of the State Government or any organisation in State of Assam in taking care of their parents and divymi siblings in to the matters connected therewith or incidental thereto. Whereas, respect and semce to one's parents is fre cen&al ob—on of children tlat is integral part of Indian family system, for ages, 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 reekindling the family values næd easily enforceable norms; AND the principles which govern the pension and family pension do amply expound that family of an employee is the integra.l unit to lay claim over bis 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 niorality through a certain norms, to begin with, among tho* employees who do their dependent parents and divyang siblings so each and every employee would as a role model in the society; ANI.) Whereas it is expedient to provide for accotmnbility of employees of the State Government or any other organisaüon in tlr State of ASSam in taking care of their parents and divyang siblings and in to mmters therewith or incidental thereto; It is hereby enacted in the Year of the Republic of India as follows:- 1. (1) 'This Act may called 'the Assam Employeß' Râponsibility And Norms for Accountability and Monitoring Act, 2017, and in short may be called as 'üe Assam Employee' PRANAM Act, 2017. THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 (2) It enends to the whole of Assam. (3) It shall come into force, on such date as the State Government may, by in the Official Gamtte, appoint, 2. In åis Act, unless the context otherwise requires, 4683 (a) "Appellate Authority" an officer or functionary of the State Government as the case may be, or such officer or functionary, superior to the Authority in rmk and as may from time to time be noüfied under 13, as such by an order by the Sute or by the Organisation for pup— of Act, in order to admit appeals against the orders of the Authority as provided in the Act; (b) "Apportioned Salary" means the amount of the salary of the employee, by authority or appellate authority, that he/she should with the pænts/divyang siblings; (c) "Commission" means Assam Employees PRANAM Commission and under section 18 of the Act or the Assam Administrative Tribunal till the Commission is (d) "Dependent Divyang Sibling" means a "person u'ith disability' or and "person with disability having high support needs" as defined the section. 2 (s) and 2 (t) of "Ihe of Persons with Disability Act, 2016 (No. 49 of 2016) by the Cental Government and who is an unmarried sibling (brother/sister) of an employee do rnt have adequde income of uleir own to support their livelihood; (e) "Dependent Parents" means the mother/father ot bodl., and dependent on his/her/tlir son/daughter because such parents do not have adquate of of their own; (D "Designated Authority" means an omce,r or ftmctionary of the State Government or the Organisation, as the case may or such omcer or functionary, not below the level of and Disbt rsing Authority, as may from to time be notified tmder section 6 as such by an order by the State Govemment or by an Orgmjsation for the purposes; 4684 THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 (g) "Employee" means any apm)nted by and under the of the of Divyang Respsnibility and care Prents/ RiÜw Paralt&t Divymg sibling to seek Sme Government and draw his/her salc•y from fund of the State though or Q0inted by any organisation in the State of Assam as may be under 3 (2); (h) "Organisation" means an Orgmjsation functioning in the State of Assam and by the State Government tmder 3 (2), to be under the Act; (i) \$ 'Præcribed" means prescribed by rules made under this Act; (j) " 'State Level Monitoring Body" means the Body to be under 25(1) to review and

monitor the implementation of various provisions of the Act; (k) "State Government" means the Government of Assam, (l) 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. (1) Each employee of the State Government is responsible to take care of the 4. 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 this Act or otherwise the Conduct Rules applicable to the category of the employees to have been amended after six months from the date of this Act. (1) Both or either of parents or dependent divyang siblings of 5, an employee, as the case may be, may apply, in writing before the Authority notified under 6, seeking apportioned salary of the employee, to be paid to directly by the Drawing and Disbursing Officer on monthly basis from the salary of the employee: THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 4685 Accountability Time Period for of Quantum of Salary and Ceiling Authority to be Authority of application Provided that such parents/divyang siblings, prima facie, establish they do not have adequate source of income to maintain their livelihood in a and they are in need of financial support from the employee: (2) Such application of the dependent parents/divyang sibling should clearly state the monthly income from all sources of the parents and the nature of support, and which has presently given to them by employee. 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 as the case may be as the Designated Authority for the purposes of considering the applications received from aggrieved dependent parents/divyang siblings seeking salary of an employee. Upon receipt of such application from the parents/divyang sibling, the 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, giving the applicant and the employee a reasonable opportunity of being heard

8. If the 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 in section 7 and issue directions to the Drawing and Disbursement Officer concerned clearly stating the apportioned amount to be paid on monthly basis 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 paid to the employee except in exceptional cases only where it may go up to 15% of the monthly gross salary

9. The designated authority, while hearing an appeal under section 7 shall exercise quasi-judicial powers. If the case is not found to be fit to be considered under the provisions of the 10. Act and the relevant Rules there under, the Authority may reject the application within the period of ninety days bringing out cogent reasons in the form of a speaking order, with due reasons to all 4686 THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 Right to appeal Right to appeal against orders of the Appellate Authority and Accountability Appellate Authority to have quasi-judicial Time limit for the disposal of appeal Commencement of the of the Authority by the Appellate Authority If the Authority not dispose of the case within the stipulated 11. of ninety days the parents/divyang sibling or employee has right to before the Appellate as the procedure as may be 12. The employee the dependent sibling as the case may be, aggrieved by the orders of the Authority may prefer appeal before the Appellate Authority again. If the Authority within one month from date of receipt of such order, 13. Government or the Organisations as the case may be, shall, by order notify an officer or functionary of the State Government or the as the case may be, as the Appellate Authority, in order to consider appeals against the orders of the Authority disposing an application seeking 14. Appellate Authority shall hear the appeal preferred under section 7 by giving reasonable opportunity of being heard to both the parties pass such order as be While passing an order under this the Appellate Authority shall exercise quasi-judicial powers. 15. receipt from the aggrieved dependent parents/divyang sibling or employee concerning the Appellate Authority shall the appeal within a period of not more than sixty days from the date of such applications 16. After the appeal if the Appellate Authority it appropriate, it direct Authority, in to sanction a portion of the salary of the employee as may be fixed in his order, to his dependent parents/divyang sibling with effect from succeeding month of the date of the Provided that such amount granted shall not 10% of the gross salary being paid to the employee in exceptional cases only where it may go up to 15% of the monthly gross salary, If after consideration of all the relevant the Authority is 17, that the appeal is not

found to be fit for consideration as per the relevant provisions of the Act and the Rules there under, the Appellate Authority may THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 4687 of Assam Employæ PRANAM Commission reject the within the •stipulated period of sixty days clearly stating the cogent reßõns with a clear »eaking orders, with due intimation, in wridn.g, to all (1) The State Government shall, by notification in the Official Gazette, constitute a body to be as the Assam State PRANAM to the powers conferred on, and to perfonn the functions assigned to it under this Act. (2) Till the Commission is constituted* Assam 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 Gazettes (3) The Assam State 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 from time to time, from among the persons possessing 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 to directions by any other authority under this Act (6) The Chief Commissioner shall be appointed from amongst the persons who has in the State Government of Assam not lower in rank than that of an Chief Secretary. (7) 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 to the Governrnt of Assam. (8) nie headquarters of the Commission shall at such in the State as the Sme Government may, by notification in the Official Gazette* specify: that the Commission may establish such number of office or offices in such place / places in the state, with the previous approval of the State Government 4688 THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 Terms of office and of of Chief Commissioners 19 (1) *Ihe Chief Commissioner shall hold office for a term of five years from the on which he enters his office: Provided that no Chief Commissioner shall hold office as such after he has the age of sixty-five years,, (2) Every Cemmissioner shall hold office for a term of five years from the date on %âich he enters 'tvon his office or till he attains the age of sixty-five years, whichever is earlier: Provided that every Commissioner who have not the age of sixty five years, shall, on vac±g his office rmdr this sub-section, be eliëble for as the Chief Commissioner: Provided furdler ffat where the Commissioner is as the Commissioner, his term of office shall not be more than five years in as the Commissioner and the Chief Commissioner. (3) Ihe Chief Commissioner or a Commissioner may at any time, by wriüing under his hand to the State resiði from his office: Provided that the Chief Commissioner or a Commissioner may be removed from his office in the mmmer, as specified under secüon 20. (4) The salaries and allowances payable to and other terms and condi'tions of service of, (a) the Chief Commissiorler shall be the same as that of not less than an Additional Chief Secretary of the Sute Government; (b) the Commissioner shall be the same as that of not than (hmmissioner and Secretary of the State Government: Provided that if the Chief Comm.issio•ner or a at the of his is, in receipt of a pension, oth.er than a disability or wound pension, in respect of any previous service under the Cen&al Gova•nment or the Government, his salary in of service as Chief or a Commissioner shall reduced by the mount of that incliAing any portion of pension which was commuted and of other forms of retireme.nt benefits excluding pension equivalent of refrement gratuity; further that where the Chief or a Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 4689 Removal of Chief Commissioner Commissioner Powers and of the Commision established by or under any Cena-al Act or State Act or a Government company owned or conÜolled by the Central Government or the State Government, his salary in respect of the service as the Chief Commisioner or the Commissioner shall be by the amount of to the refrement benefits: also that salaries, allowances and other condidons of service of the Chief Commissioner and the Commissioners shall not varied to üleir after their appoinüente 20, Subject to the provisions as stated here in below, the State Government may, by order, remove from office the Chief Comrnissioner or a Commissioner, if the Chief Commissioner or a Commissioner, as the case may be, (a) is adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the. State Government, involves moral turpitude; or (c) engages during his tenn of office in any paid employment

outside the duties of his office; or (d) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body; or (e) has such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or a Commissioner; or (f) any other reason that the State Government fits and proper.

(1) Subject to the provisions of this Act, it shall be the duty of the Commission to receive and inquire into a complaint from the parents/divyang siblings of employee,- (a) who has been unable to submit an application or appeal before Designated Authority or the Appellate Authority, as the case may be, either by reason that there is no such officer for the time being either appointed or functioning under this Act, or because the Designated Authority or the Appellate Authority, as the case may be, has refused to accept his or her application or appeal under this Act; (b) who has not been given a response to an application sanctioning salary of an employee the time limit specified under this Act.

4690 THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017

(2) Where on the basis of the complaint under sub-section (1) the Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry into the matter.

(3) The Commission shall, while inquiring into any matter under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following, namely: (a) summoning and the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things; (b) requiring the discovery and inspection of documents; (c) receiving evidence on affidavit; (d) any public record or thereof from any court or office; (e) issuing summons for examination of witnesses or documents; and any other matter which may be prescribed.

(4) Notwithstanding inconsistent provisions contained in any other law for the time being in force, the Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the authority, and no such record may be withheld from it on any grounds.

22. (1) The parents/divyang sibling who, does not receive a decision from Appellate Authority within the time in the section 15, or any or the sibling by a decision of the Appellate authority, as the case may be, may, within thirty days from the expiry of such or from the receipt of such a decision from the Appellate Authority, prefer an appeal before the Commission. Provided that the Commission may admit the appeal after the expiry of the period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) An appeal under this section shall be disposed of by the Commission within ninety days of the receipt of appeal or within such extended period not exceeding a total of one hundred twenty days from the date of filing as the case may be, for reasons to be recorded in writing.

(3) The decision of the Commission, as the case may be, shall be final and binding on all parties.

4691 THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017

(4) In its exercise of powers, the Commission has the power to,-

4692 THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017

(a) require the designated authority or appellate authority to take any such steps as may be necessary to secure compliance with the provisions of this Act and any of the provisions provided under this Act; (b) grant the amount of apportioned salary of an employee to the dependent parents/divyang sibling not less than 10% of the gross salary being paid to the employee except in cases where it may go up to 15% of the gross salary, with a direction to the Designated Authority to sanction the amount and cause of the apportioned salary through the Drawing and Disbursing Officer directly to the grantee with effect from the succeeding month; (c) reject the appeal, with cogent reasons to be recorded in writing and inform all concerned; (d) any other as fit and proper, but not inconsistent with the provisions of the Act.

(5) The Commission shall give notice of its decision, including any right of appeal, to the complainant and the Designated Authority or the Appellate Authority, as the case may be.

(6) The Commission shall decide the appeal in accordance with such procedure as may be prescribed by rules made under this Act.

23. Where the Commission, at the time of deciding any complaint or appeal, is of the opinion that the Designated Authority or Appellate Authority, as the case may be, has, without any reasonable cause, refused to receive an application or has not disposed of the application within the time specified under section 7 and section 15, it may impose a penalty of one hundred rupees per day upon such or Appellate Authority as the case may be, till the application is disposed of, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees.

24. (1) Notwithstanding anything in this Act and the rules made thereunder, the dependent parents/divyang siblings may withdraw their application, appeal or to rescind the orders of apportionment, at any stage, before or at the time of hearing or after an order of apportionment is passed, or during the continuance of payment of the apportioned salary to them, before the Designated Authority or the Appellate Authority or the Commission:

4692 THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017

Provided that the dependent parents/divyang sibling shall,- (a) give notice in writing to that effect to Designated Authority, Appellate Authority or the Commission, as the case may be.

may the reasons and changed circumstances for which he/she has proposed for withdrawal of the application or rescind the orders of appointment, as the case may be (b) furnish an undertaking that the request has been made with his/her own and not under any duress from any quarter, and (c) state the month from which such salary order shall be withdrawn. (2) If such application is accepted by the Commission, Appellate Authority, they shall direct the Designated Authority to issue a formal order directing the Drawing and Disbursing Officer to discontinue the apportioned salary to parents/siblings with effect from the succeeding month of such order and if such lies before the Designated Authority, he shall also do so as provided here under. (3) In the event of circumstances, such as, the death of the grantee or arising of any new source of income for the grantee which prove that the salary is no more applicable, the employee may submit an application to that effect before the Authority and the latter shall dispose of the same within thirty days from the date of such after considering the evidence submitted before him by the employee and after hearing the parents/siblings about the new source of income stated to have arisen in respect of (4) If the Designated Authority fails to dispose of the application within the employee may file appeal before the Appellate Authority and thereafter to Commission, who may of the appeal in the manner as under this Act, (1) State Government shall, by notification, constitute a State Level Monitoring Body to closely monitor the provisions of this Act in order to the hardship to the sick and old dependent parents/divyang siblings, (2) The Body so constituted shall also keep in mind and to widen the Act to the basic morality and family values among the employees and thereby, advance the influence of such values in the Society at large, the employees of the THE ASSAM GAZETTE, EXTRAORDINARY, OCTOBER 27, 2017 4693 If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order, make such provisions not inconsistent with the provisions of this Act and the rule made thereunder and as may be necessary for removing the difficulty

27. No suit, prosecution or other legal proceeding shall lie against the State Government or any authority or any functionary or any officer thereof or any person for anything which is done in faith or intended to be done in pursuance of this Act or the rules made thereunder

28. No court shall entertain any suit, application or other in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act (1) The State Government may make rules for carrying out the purposes of 29 of this Act. In particular, and without prejudice to the generality of the foregoing (2) powers, such rules may provide for all or any of the matters including the procedure to be followed by various authorities involved in implementation of the Act. (3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the Assam Legislative Assembly, while it is in session, for a total period of not less than fourteen days which may be comprised on one session or two or more successive sessions, and shall, unless some date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Assam Legislative Assembly during the said period may make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done there under. S. M, BUZAR BARUAH, Commissioner & Secretary to the Government of Assam, Legislative Department, Dispur. Guwahati Printed and Published by the Dy. Director (P & S), Directorate of Printing & Stationery, Assam, Guwahati-21 Extraordinary Gazette No. 1237 350 + 10 - 27 - IO 2017. (visit at— www.dpnss.assam.gov.in)