

THE GOA STAFF SELECTION COMMISSION BILL, 2016

(Bill No. 28 of 2016)

A

BILL

to provide for constitution of Goa Staff Selection Commission for the purpose of conducting examinations and selection of candidates for appointments to the subordinate services/posts in the Government Departments, organizations and autonomous bodies established/ constituted by the Government and Semi-Government Organizations etc. and also to provide the procedure to be followed by the Goa Staff Selection Commission, its functions and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Sixty-seventh Year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Goa Staff Selection Commission Act, 2016.

(2) It shall extend to the whole of the State of Goa.

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

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

(a) "Commission" means the Goa Staff Selection Commission constituted under section 3;

(b) "Chairperson" means the Chairperson of the Commission;

(c) "direct recruitment" means the method of recruitment as provided under the rules regulating the recruitment to the subordinate services/posts;

(d) "Governor" means the Governor of the State of Goa;

(e) "Government" means the Government of Goa;

(f) "member" means a member of the Commission;

(g) "notification" means a notification published in the Official Gazette of the Government;

(h) "Official Gazette" means the Official Gazette of the Government of Goa;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "regulations" means regulations made by the Commission under section 18 of this Act;

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(k) "Secretary" means the Secretary of the Commission;

(l) "State" means the State of Goa;

(m) "subordinate services/posts" means all Group "C" and Group "D" 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 Commission.-(1) The Government shall, by notification in the Official Gazette, constitute a Commission to be called the "Goa Staff Selection Commission" to exercise the powers conferred on and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of,-

(a) a Chairperson, who shall be a retired officer from the Indian Administrative Service and shall have drawn a pay scale not below that of Super-time Scale at the time of his retirement or a retired Officer, from the Goa Civil Service, Government aided institution or Semi-Government Organization and have drawn a pay scale not below that of Selection Grade officer at the time of his retirement.

(b) two members, who shall be retired officers of the Government, Government aided institution or Semi-Government Organization, and have drawn the pay scale not below that of a Senior Scale officer at the time of their retirement.

4. Appointment, terms of office and conditions of service of the Chairperson and members.- (1) The Chairperson and other members of the Commission shall be appointed by the Governor:

Provided that no person shall be appointed as a Chairperson or a member unless he is free from vigilance angle.

(2) The Chairperson and every member of the Commission shall hold office for a term of Five 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 reappointment.

(3) If the office of the Chairperson becomes vacant or if the Chairperson is, by reason of absence or for any other reason, unable to perform his duties, then those duties shall, until some other person is appointed under sub-section (1) to the said vacant office, or the Chairperson has resumed his duties, as the case may be, be performed by one of the members of the Commission as the Governor may appoint for the purpose.

(4) The Chairperson or a member of the Commission may, at any time, by writing under his hand addressed to the Governor, resign his office, but he shall continue in office till his resignation is accepted by the Governor.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and the members of the Commission, shall be such as may be prescribed.

(6) Every person appointed as the Chairperson or as member shall, before he enters upon his office, make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation in such form as may be prescribed.

5. Removal and suspension of Chairperson and member of the Commission.- (1)

Notwithstanding anything contained in sub-section (2) of Section 4, the Governor may by order remove a person from the office of the Chairperson or a member, if that person,-

- (a) is adjudged as an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Government, involves moral turpitude; or
- (c) becomes unfit to continue in office by reason of infirmity of mind or body;
- (d) acquired such financial or other interest as is likely to affect prejudicially his functions as a Chairperson or a member of the Commission; or
- (e) has not maintained integrity and devotion to duty; or

(f) abused his position so as to render his continuance in office detrimental to the public interest:

Provided that, no person shall be removed under sub-section (1) unless that person has been given a reasonable opportunity of being heard in the matter.

(2) The Governor may suspend the Chairperson or any other member of the Commission till such time he passes order under sub-section (1).

6. Officers and other employees of the Commission.- (1) The Government shall provide the Commission with a Secretary, who shall be from the Goa Civil Service not below the rank of Junior Scale Officer and such other officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act. Their appointment shall be treated as on deputation as per the standard terms and conditions envisaged in the deputation guidelines issued from time to time.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the Secretary, officers and other employees of the Commission, shall be such as may be prescribed.

7. Duties and functions of the Commission.- (1) Notwithstanding anything contained in any other law for the time being in force it shall be the duty of the Commission to conduct examinations and select candidates for appointments to the subordinate services/posts.

(2) It shall be the duty of the Commission to perform such other functions and duties as the Government may, by notification, specify.

(3) It shall be the duty of the Commission to conduct departmental examinations and advise the Government on such other matters as may be referred to it by the Government.

(4) Nothing in this section, shall apply to direct recruitment to the posts or services, which are required to be made through the Goa Public Service Commission.

(5) Notwithstanding anything contained in any law, 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 Commission 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 Commission to conduct such examinations.

(6) 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 Commission 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.

(7) 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 Commission to be consulted.

(8) In the case of any difference of opinion between the Commission 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 organization or autonomous body, or the Semi-Government Organization, shall refer the matter to the Government and the decision of the Government thereon shall be final.

8. Manner of selection of candidates, procedure for conduct of business of the Commission, certain special provisions relating to intimation of vacancies to Commission 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 the regulations.

(2) The procedure for conduct of business of the Commission shall be such as may be provided for by the 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 Commission 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 Commission; and subject to the provisions of such rules, the Commission may regulate its proceedings.

9. Effect of recommendation of Commission.- Notwithstanding anything contained in any other law for the time being in force the recruitment to the subordinate services/posts, except the posts or services falling under sub-section (4) of section 7, shall be made on the recommendation of the Commission.

10. Furnishing of returns, etc. – (1) The Commission shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to conduct of its affairs or activities as may be required by the Government from time to time.

(2) The Commission shall furnish to the Government an annual report on its working as soon as may be after the end of each financial year in such form and detail as may be prescribed.

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

Provided that the candidates belonging to Scheduled Castes and Scheduled Tribes shall be levied 25% of such fees and the candidate belonging to other backward class shall be levied 50% of such fees.

12. Commission may call for records. – The Commission may call for any record, report or information from any appointing authority or the Government 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 Commission.

13. Chairperson and members of Commission deemed to be the Public Servants.

– The Chairperson and the other members of the Commission 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).

14. Vacancies, etc. not to invalidate proceedings of the Commission.- No act or proceedings of the Commission 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 Commission.

15. General powers of the Commission. – Subject to the provisions of this Act, the Commission shall have powers,-

(a) to constitute advisory committee to advise the Commission;

(b) to engage suitable consultants/experts or persons having special knowledge or skills to assist the Commission 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 into effect the purposes of this Act.

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

17. 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 members, under sub-section (5) of section 4;
- (b) form of oath or affirmation, under sub-section (6) of section 4;
- (c) the salaries and allowances payable to, and the other terms and conditions of service of, the Secretary, officers and other employees of the Commission, under sub-section (2) of section 6;
- (d) matter for which no provision is made in section 8 to make Regulations, under sub-section(4) of section 8;
- (e) form and the details of the annual report to be furnished by the Commission to the Government, under sub-section (2) of section 10;
- (f) Fees to be levied under section 11

(3) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

18. Power to make regulations.- (1) The 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 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 sub-section (1) of section 8;
- (b) procedure for conduct of business of the Commission under sub-section (2) of section 8;
- (c) time limit 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 Commission under sub-section (3) of section 8;
- (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 merits to the appointing Authority;
 - (g) specifying the manner in which an advertisement to 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.

19. 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 Goa.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to make special provision for the purpose of conducting examinations and selection of candidates for appointments to the subordinate services/posts in the Government Departments, Organizations and autonomous bodies established/constituted by the Government and Semi-Government Organizations, etc. in the State of Goa by an independent body and for that purpose to constitute the Goa Staff Selection Commission.

This Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

Clause 3 of the Bill empowers the Government for constitution of Goa Staff Selection Commission and to appoint the chairperson and two members thereof. There are financial implications on account of constitution of said Commission to the tune of Rs. 500.00 Lakhs approximately.

Thereafter, the Commission will levy fee for the purpose of conducting examination and for selecting candidates for the sub-ordinate services / posts.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1(3) of the Bill empowers the Government to issue notification for appointing the date to bring into force the Act.

Clause 2(m) of the Bill empowers the Government to notify any service/ post to be subordinate service/post.

Clause 3(1) of the Bill empowers the Government to constitute the Goa Staff Selection Commission by a notification in the Official Gazette.

Clause 4(5) of the Bill empowers the Government to frame rules for specifying the salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and members of the Commission.

Clause 4(6) of the Bill empowers the Government to frame rules for specifying the form of oath or affirmation.

Clause 6(2) of the Bill empowers the Government to frame rules for specifying the salaries and allowances payable to, and other terms and conditions of service of, the Secretary, officers and other employees of the Commission.

Clause 7(2) of the Bill empowers the Government to specify by notification in the official Gazette other functions and duties to be performed by the Commission.

Clause 7(7) of the Bill empowers the Government to make orders for specifying the matters, class of cases or circumstances in which, the Commission shall not be consulted.

Clause 8(1) of the Bill empowers the Commission to make regulations specifying the manner of conducting examination and selection of candidates for appointment to the subordinate services/posts.

Clause 8(2) of the Bill empowers the Commission to make regulations specifying the procedure for conduct of its business.

Clause 8(3) of the Bill empowers the Commission to make regulations specifying the time limit and the manner in which, the Heads of the Government Departments, organization and autonomous bodies, Semi-Government Organizations, etc. shall intimate the vacancies to the Commission.

Clause 8(4) of the Bill empowers the Government to make rules, in consultation with the Commission in matters for which no provision is made in section 8.

Clause 10(2) of the Bill empowers the Government to frame rules specifying the form and the details about the annual report which is to be furnished by the Commission to the Government.

Clause 11 of the Bill empowers the Government to frame rules specifying the fees payable by the candidates.

Clause 17 of the Bill empowers the Government to frame rules for the purpose of carrying out the provisions of the Act.

Clause 18 of the Bill empowers the Commission to frame regulations for carrying out the purposes of the Act.

Clause 19(1) of the Bill empowers the Government to make order for removing any difficulty which arises in giving effect to the provisions of the Act.

These delegations are of normal character.

Porvorim-Goa
4th August, 2016

Shri Laxmikant Parsekar
Minister for Personnel/Chief Minister

Assembly Hall
Porvorim, Goa.
4th August, 2016

N. B. SUBHEDAR
Secretary to the
Legislative Assembly of Goa.

**GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207
OF THE CONSTITUTION OF INDIA.**

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa hereby recommend the introduction and consideration of the **'GOA STAFF SELECTION COMMISSION BILL, 2016**, by the Legislative Assembly of Goa.

**(MRIDULA SINHA)
GOVERNOR OF GOA**