



The Manipur Staff Selection Commission Act, 2022

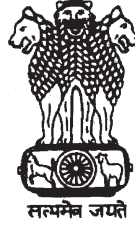
Act No. 10 of 2022

Keywords:

Direct Recruitment, Posts

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MANIPUR



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GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, August 9, 2022

No. 2/28/2022-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on August 9, 2022 is hereby published in the Manipur Gazette Extra-Ordinary:

THE MANIPUR STAFF SELECTION COMMISSION ACT, 2022

(Manipur Act No. 10 of 2022)

An

Act

to provide for constitution of Manipur 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 Manipur Staff Selection Commission, its functions and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of State of Manipur in the Seventy-third Year of the Republic of India as follows:-

1. (1) This Act may be called the Manipur Staff Selection Commission Act, 2022.
- (2) It shall extend to the whole of the State of Manipur.
- (3) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

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

- (a) "Commission" means the Manipur 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 Manipur;
- (e) "Government" means the Government of Manipur;
- (f) "Member" means a member of the Commission;

Definitions.

- (g) "Notification" means a notification published in the Official Gazette of the Government;
- (h) "Official Gazette" means the Official Gazette of the Government of Manipur;
- (i) "Prescribed" means prescribed by rules made under this Act;
- (j) "Regulations" means regulations made by the Commission under this Act;
- (k) "Secretary" means the Secretary of the Commission;
- (l) "State" means the State of Manipur; and
- (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.

Constitution of
the
Commission.

3. (1) The Government shall, by notification in the Official Gazette, constitute a Commission to be called the Manipur 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) Chairperson, who shall be a retired officer from the All India 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 Manipur 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 Level -14 of the Pay Matrix (ROP-19) at the time of their retirement.

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

4. (1) The Chairman or a member shall be a person who does not and will not have any such financial or other interests as are likely affect prejudicially his functions, as such Chairman or member.

(2) The Chairperson and every member of the Commission 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 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. (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).

Removal and suspension of Chairperson and member of the Commission.

Officers and other employees of the Commission.

6. (1) The Government shall provide the Commission with a Secretary, who shall be from the Manipur Civil Service not below the rank of Selection Grade 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 in initial stage.

(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.

Headquarter of Commission and Administrative Department.

7. The headquarter of the Commission shall be at Imphal. The Department of Personnel, Government of Manipur shall be the Administrative Department of the Commission.

Duties and functions of the Commission.

8. (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 Manipur 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 sub-ordinate 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 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 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 organization or autonomous body established/ constituted by the Government, or the Semi-Government Organizations, or 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.

9. (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.

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.

(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, 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.

10. 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 8, shall be made on the recommendation of the Commission.

Effect of recommendation of Commission.

11. (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.

Furnishing of returns, etc.

(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.

12. 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:

Fees.

Provided that candidates belonging to Scheduled Castes and Scheduled Tribes shall be levied 50% of such fees.

- Commission may call for records. **13.** 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.
- Chairperson and members of Commission deemed to be Public Servants. **14.** The Chairperson and 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).
- Vacancies, etc. not to invalidate proceedings of the Commission. **15.** 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.
- General powers of the Commission. **16.** 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.
- Authentication of orders and documents of Commission. **17.** 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.
- Power to make rules. **18.** (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) the matter for which no provision is made in section 9 to make Regulations under sub-section (4) of section 9;
 - (e) form and the details of the annual report to be furnished by the Commission to the Government under sub-section (2) of section 11.
 - (f) Fees to be levied under section 12;
 - (g) any other matter which may be or is required to be prescribed.
- (3) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

19. (1) The Commission may, with prior approval of the Government, by notification, make regulations not inconsistent with this Act and the rules made there under for carrying out the purposes of this Act.

Power to make regulations.

(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 9;
- (b) procedure for conduct of business of the Commission under sub-section (2) of section 9;
- (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 9;
- (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.

Power to
remove
difficulties.

20. 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 three years from the date of commencement of this Act.

NUNGSHTOMBI ATHOKPAM,
Commissioner (Law),
Government of Manipur.