



The Assam State Youth Commission Act, 2022

Act No. 18 of 2022

Keywords:

Youth

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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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NOTIFICATION

The 21st May, 2022

No. LGL.94/2022/15.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 17th May, 2022 is hereby published for general information.

ASSAM ACT NO. XVIII OF 2022

(Received the assent of the Governor on 17th May, 2022)

THE ASSAM STATE YOUTH COMMISSION ACT, 2022

AN ACT

to constitute a State Youth Commission for the purpose of evolving and implementing programmes for educating and empowering the youths and to function as protector of the rights of youths and to provide for matters connected therewith or incidental thereto.

Preamble

Whereas it is expedient to provide for the constitution of a Commission for the purpose of evolving and implementing programmes for educating and empowering the youths and to function as protector of the rights of youths and to improve the status of youth in the society, to investigate into and to take or suggest suitable remedial measures against practices derogatory to youth to effectively monitor and for implementing programmes for educating and empowering the youths, implement law(s) affecting youth and to advise the Government and all matters related to the improvement and upliftment of status of youth in the society and matters connected therewith or incidental thereto;

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

CHAPTER-I PRELIMINARY

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| Short title,
extent and
commencement | 1 | <p>(1) This Act may be called the Assam State Youth Commission Act, 2022.</p> <p>(2) It extends to the whole of Assam.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, publish.</p> |
| Definitions | 2 | <p>In this Act, unless the context otherwise requires,-</p> <p>(a) "Chairman" means the Chairman appointed under the Act and includes the Vice-Chairman(s);</p> <p>(b) "Commission" means the Assam State Youth Commission constituted under section 3 of the Act;</p> <p>(c) "Constitution" means the Constitution of India;</p> <p>(d) "Member" means a member of the Commission ;</p> <p>(e) "prescribed" means prescribed by rules made under this Act;</p> <p>(f) "youth" means a person who has completed his eighteen years of age but has not completed his fortieth years of age;</p> <p>(g) "State Government" means the Government of Assam.</p> |

CHAPTER-II**THE ASSAM STATE YOUTH COMMISSION**

- Constitution of the Commission** 3
- (1) The State Government shall, by notification in the Official Gazette constitute a Commission to be known as the Assam State Youth Commission to exercise the powers conferred on and to perform the functions assigned to it under the Act.
 - (2) The Commission shall consist of the following members, namely:-
 - (a) a Chairman,
 - (b) two Vice-Chairmen,
 - (c) not more than seven Members of which two shall be from amongst persons of ability and integrity and who have served the cause of youth or have had experience in law or administration concerning the advancement of youth or leadership of any voluntary organization of youth and for protection and promotion of common interest of youth.
 - (3) The Chairman, Vice-Chairman and Members shall be appointed by the Government.
 - (4) The Chairman, Vice Chairman and each member shall hold office until he attains the age of sixty-two years.
 - (5) The Government shall appoint a person as a Secretary of the Commission who shall be,-
 - (i) an officer of a Civil Service of the State, not below the rank of Additional Secretary to the Government of Assam.
 - (ii) an expert in the field of management, organization structure.
 - (6) The headquarter of the office shall be at Guwahati.
- Term of office and Conditions of Service of Chairman, Vice Chairman and members** 4
- (1) The Chairman, Vice Chairman and every Member shall hold office for a period of five years from the date on which they assume office.
 - (2) A person who holds office as a Chairman, Vice Chairman or Member, shall on the expiration of his term of office, be eligible for reappointment to that office for a maximum two number of terms.

- (3) The Chairman, Vice Chairmen or a Member may, by writing and addressed to the Senior most Secretary to the Government of Assam, Sports and Youth Welfare Department, resign from the office of the Chairman, Vice Chairman, Member as the case may be at any time.
- (4) The State Government shall remove a person from the office of the Chairman, Vice-Chairman or the Member, if that person,-
 - (a) becomes an undischarged insolvent ;
 - (b) is convicted and sentenced to imprisonment for an offence which is in the opinion of the State Government involves moral turpitude;
 - (c) becomes of unsound mind and stands so declared by a competent court;
 - (d) refuses to act or becomes incapable of acting;
 - (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission ; or
 - (f) in the opinion of the State Government has so abused the position of Chairman, Vice Chairmen or Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this sub-section until that person has been given a reasonable opportunity of being heard in the matter.
- (5) A casual vacancy caused by reason of death, removal or resignation or otherwise in the office of the Chairperson or Vice-Chairman or Member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for the remaining period of the term of the person in whose place he is appointed.
- (6) The remuneration and allowances payable to and the other terms and conditions of service of the Chairman, Vice-Chairman and Members shall be such as may be prescribed.
- (7) The Government may also nominate Honorary Chairman, Honorary Vice- Chairman and Honorary Members for the Commission.

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| Officers and other employees of the Commission | 5 | (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(2) The remuneration and other allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed. In case of deputation, State Government rules shall prevail. |
| Remuneration and other allowances to be paid out of grants. | 6 | The remuneration and other allowances payable to the Chairman, Vice Chairman and Members and the administrative expenses, including allowances and pensions payable to the officers and other employees referred in section 5, shall be paid out of the grants referred to in sub-section (1) of section 11 of the Act. |
| Vacancies etc not to invalidate proceedings of the Commission | 7 | No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission. |
| Committees of the Commission | 8 | (1) The Commission may appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

(2) The Commission shall have the power to co-opt., as members of any committee appointed under sub-section (1) above such number of person(s), who are not Members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meeting of the committee and to take part in its proceedings but shall not have the right to vote.

(3) The persons co-opted under sub-section (2) above shall be entitled to receive such allowances for attending the meeting of the committee as may be prescribed. |
| Procedure to be regulated by the Commission | 9 | (1) The Commission or a committee thereof shall meet as and when necessary, at least once in 3 months and shall meet at such time and places as the Chairman may think fit.

(2) The Commission shall regulate its own procedure and the procedure of the committees thereof.

(3) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary in this behalf. |

CHAPTER-III
FUNCTIONS OF THE COMMISSION

**Powers and
functions of the
Commission**

- 10 (1) The Commission in furtherance of which object shall perform the following functions, namely:-
- (i) to supervise or monitor that the local youths of the State gets preference and priority in private sector or non formal sector of employment within the State. The Commission shall work for upgradation of skills of the youth by tying up with reputed Government and private establishments of the State;
 - (ii) to ensure that Assamese youth studying and working outside the State shall have their interests protected. The Commission shall be a common platform where they can register their grievances. The Commission shall ensure that the Assamese diaspora retains an umbilical link with the state;
 - (iii) to inquire into and examine the working and enforcement of various protective provisions against exploitation or in other forms as provided in the Constitution of India or under any other law for the time being in force or under any order of the Government for the welfare and protection of the youths and to recommend remedial measures;
 - (iv) to formulate and implement the programmes which are necessary for the prevention of the use of liquor, narcotics, tobacco products, other prohibited intoxicating substances, which are increasing social evils among the youths and of cyber crimes and to take steps to provide knowledge to do any job with dignity and to find livelihood and to give necessary recommendations in such matters to the Government;
 - (v) to co-ordinate the Government departments for securing better education and employment opportunities to youths;
 - (vi) to develop and harness the potential of the youth in order to attain total empowerment and excellence;
 - (vii) to undertake promotional and educational research so as to submit for the consideration of the Government the better ways of seeking employment opportunities to the youth;

- (viii) to advise the Government in the planning process for the socio-economic development of the youth, especially those who belong to the weaker section and tribal section;
 - (ix) to explore the scope and potential of the youth in all levels of activities so as to make them attain high degree of accomplishment by developing their creativity and skills;
 - (x) to conduct enquiry, on the complaints stating the rights and provisions for protection of the youths are denied and , *suo moto* on the issues prima facie convinced of and to bring such matters in the notice of the authorities concerned and to recommend for actions;
 - (xi) to provide training facilities to the students of Assam to excel in Competitive Examinations for Professional Courses in Indian Institute of Technology (IIT), Indian Institute of Management (IIM), All India Institute of Medical Sciences (AIIMS), Polytechnics etc.;
 - (xii) to mobilise the youth of the State at the grassroot level through active youth clubs and identification of right talent through involvement of youth organizations such as Nehru Yuva Kendra Sangathan (NYKS), National Service Scheme (NSS), National Cadet Corps (NCC) etc.
- (2) The target group of the Commission shall include:-
- (a) Assamese diaspora working and studying outside the state;
 - (b) Students pursuing Higher Secondary;
 - (c) Students pursuing Degree courses;
 - (d) Unemployed youth;
 - (e) Economically weaker meritorious students; and
 - (f) Any other group of youth meriting intervention of the Youth Commission.
- (3) The Commission shall have quasi-judicial powers to summon and enforce the attendance of witnesses and to compel the production of documents as may be required to be produced in connection with smooth discharge of its functions referred to in sub-section (1) above and shall have the powers of the civil courts trying a suit under the Code of Civil Procedure, 1908 and, in particular in respect of the following matters, namely:-
- (i) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;

- (ii) requiring the discovery and production of any document;
 - (iii) receiving evidence on affidavits;
 - (iv) requisitioning any public record or copy thereof from any Court or office ;
 - (v) issuing commissions for the examination of witnesses and documents ;and
 - (vi) any other matter which may be prescribed.
- (4) The Commission shall while conducting the enquiry under section 9 of the Act afford opportunity to all parties to present their views by themselves or by their authorized representatives.
- (5) The findings of the Commission or any inquiry conducted under this Act shall be communicated with its recommendation for appropriate action or relief to the parties to the dispute.

CHAPTER -IV FINANCE, ACCOUNTS AND AUDIT

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| Grants by the State Government | <p>11. (1) The State Government shall after due appropriation made by State Legislature in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilized for the purpose of this Act.</p> <p>(2) The Commission may spend such sums as it think fit for performing the functions under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1) above.</p> |
| Accounts and audit | <p>12. (1) The Commission shall maintain proper accounts and other relevant records and prepare annual statements of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General of Assam.</p> <p>(2) The Accounts of the Commission shall be audited by the Accountant General at such intervals as may be specified by him.</p> <p>(3) The Accountant General or any person appointed by him in connection with the audits of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Accountant General generally has in connection with the audit of</p> |

Government accounts and in particular, shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

- (4) The accounts of the Commission as certified by the Accountant General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the Commission.

Annual
Report of the
Commission

13. (1) The Commission shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.
- (2) The State Government shall cause the annual report prepared under sub-section (1) above by the Commission to be laid before the State Legislative Assembly together with a memorandum of action taken or proposed to be taken on the recommendations relating to the State Government and the reasons for the non-acceptance if any, of any of such recommendations.

CHAPTER -V MISCELLANEOUS

Chairman,
Vice-Chairman
member and
staff of the
Commission to
be
public servant

14. The Chairman, the Vice Chairman, the Members, Officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Central
Act No 45
of 1860

State
Government to
consult
Commission

15. The State Government shall consult the Commission on all major policy matters affecting youth.

Power to make
rules

16. (1) The State Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely:-

- (a) remuneration and allowances payable to and the other terms and conditions of service of the Chairman, the Vice Chairman and Members under sub-section (5) of section 4 and officers and other employees under sub-section (2) of section 5 of the Act;

- (b) allowances for attending the meeting of the committee by the co-opted person under sub-section (3) of section 8 of the Act;
- (c) other matters under clause (vi) of sub-section (3) of section 10 of the Act;
- (d) the form in which the annual statement of account shall be maintained under sub-section (1) of section 12 of the Act;
- (e) the form in and the time at which the annual report shall be prepared under section 13 of the Act;
- (f) any other matter which is required to be, or may be prescribed.

Interpretation**17.**

If any dispute arises as to the interpretation of any of the provisions of the Act, the interpretation given by the State Government shall be final and binding to all concerned.

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.