

No. 450 (2)/XVII-V-1-1 (KA) 2/1988

Dated Lucknow, March 31, 1988

**NOTIFICATION**

**Miscellaneous**

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhiniyam Sewa Chayan Board Adhiniyam, 1988, (Uttar Pradesh Adhiniyam Sankhya 7 of 1988) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 31, 1988.

**THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION  
BOARD ACT, 1988**

(U.P. Act No. 7 of 1988)

(As passed by the U.P. Legislature)

AN  
ACT

*to establish a Subordinate Services Selection Board for certain categories of subordinate services and for matters connected therewith and incidental thereto.*

IT IS HEREBY enacted in the Thirty-ninth Year of the Republic of India as follows :—

CHAPTER I  
PRELIMINARY

1. (1) This Act may be called the Uttar Pradesh Subordinate Services Selection Board Act, 1988.

Short title, extent and commencement

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on February 15, 1988.

2. (1) The provisions of this Act shall apply in relation to direct recruitment to all such group 'C' posts, including posts in the Civil Secretariat as may, from time to time, be specified by the State Government by notification in this behalf:

Applicability

Provided that the State Government may, by notification, withdraw any post from the purview of the Board.

(2) The Board may, on the request of any authority, Government Company or Corporation, owned or controlled by the Government or public institution, and with the approval of the State Government, undertake, on such terms and conditions, including fees, as may be agreed upon, to serve the needs of such authority, company, corporation or institution in regard to matters connected with recruitment to posts thereunder.

3. Nothing in this Act shall apply to recruitment to any post—

Exception

(a) in the Secretariat of each House of the State Legislature,

(b) under the High Court or the Court subordinate thereto;

(c) under the State Public Service Commission;

(d) under the Lok Ayukta appointed under the Uttar Pradesh Lok Ayukta and Up-Lok Ayuktas Act, 1975;

(e) governed by the Police Act, 1861.

4. In this Act, unless the context otherwise requires,—

Definitions

(a) "appointing authority" in relation to any service or post means the authority empowered to make appointment to such service or post for the time being;

(b) "Board" means the Uttar Pradesh Subordinate Services Selection Board constituted under section 5 of this Act;

(c) "Chairman" means the Chairman of the Board;

(d) "Member" means a member of the Board and includes the Chairman;

(e) "Secretary" means the Secretary of the Board;

(f) "year of recruitment" means the period of twelve months commencing on the first day of July of a Calendar Year.

CHAPTER II

ESTABLISHMENT OF THE BOARD

5. (1) There shall be established a Board, to be known as the "Uttar Pradesh Subordinate Services Selection Board", with effect from such date as the State Government may, by notification, appoint in this behalf.

Establishment of the Board

(2) The Board shall be a body corporate.

6. (1) The Board shall consist of a Chairman and such other members, not exceeding five, as the State Government may determine from time to time:

Composition of the Board

Provided that not less than one-half of the members of the Board shall, as far as possible, be persons who on the date of their respective appointments have, for at least ten years, held post or posts under the Central or State Government, not below the rank of Joint Secretary to the State Government or such other post, as may be declared by the State Government to be equivalent thereto.

(2) If the office of the Chairman becomes vacant or if such Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under section 7 has

assumed office or, as the case may be, until the Chairman has resumed his duties, be performed by such one member of the Board as the State Government may appoint for the purpose.

Appointment  
of Members

7. The Chairman and other members of the Board shall be appointed by the State Government.

Power of the  
State Government  
to remove the  
member

8. (1) The State Government may, by order, remove from office the Chairman or any other member, as the case may be, if—

- (a) he is, in the opinion of the State Government, unfit to continue in office by reason of misconduct or infirmity of mind or body, or
- (b) he is adjudged to be insolvent.

(2) The investigation into the alleged misconduct or infirmity of the Chairman or members, as the case may be, shall be made by a sitting judge of the High Court in accordance with such procedure, as may be prescribed.

(3) If the Chairman or any other member is or becomes in any way concerned or interested in any contract made by or on behalf of the Government or participates in any way in the profit thereof or in any benefit or emolument arising therefrom, he shall, for the purposes of sub-section (1), be deemed to be guilty of misconduct.

(4) The State Government may, by order in writing suspend any member in respect of whom action under sub-section (1) is contemplated.

Prohibition as  
to holding of  
other offices by  
members

9. On ceasing to hold office, a member shall be eligible for appointment as Chairman or member of the State Public Service Commission, but not for any other employment under the State Government.

Terms of office  
and conditions of  
service of  
members

10. (1) Subject to the provisions of this Act, a member shall hold office for a term of five years from the date he enters upon his office or until he attains the age of 62 years, whichever be earlier.

(2) A member shall be eligible for appointment as Chairman but shall not be eligible for re-appointment or continuance in office either as member or Chairman after the period mentioned in sub-section (1).

(3) A member may resign his office by writing under his hand addressed to the State Government but he shall continue in office until his resignation is accepted.

(4) The terms and conditions of service of a member shall be such as may be prescribed so, however, that the terms and conditions of service of a member shall not be varied to his disadvantage during his continuance in office.

Power to  
Associate

11. The Board may associate with itself, in such manner and for such purposes as may be determined by regulations made under section 27, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.

Proceedings of the  
Board not to  
be invalidated

12. No act or proceeding of the Board shall be deemed to be invalid merely on the ground of—

- (a) any vacancy or defect in the constitution of the Board;
- (b) any defect or irregularity in the appointment of a person acting as member thereof; or
- (c) any defect or irregularity in such act or proceeding not affecting the substance.

Staff of the  
Board

13. (1) There shall be a Secretary of the Board who shall be appointed by the State Government, on deputation, for a term of five years and the conditions of his service shall be such as may be prescribed.

(2) The Board may appoint such other employees as it may consider necessary for the efficient performance of its functions under this Act.

(3) The method of recruitment and terms and conditions of service of the employees, referred to in sub-section (2), shall be such as may be laid down by regulations.

Authentication  
of the orders of  
the Board

14. All the decisions and orders of the Board shall be authenticated by the signature of the Secretary or any other officer authorised by the Board in this behalf.

### CHAPTER III

#### POWERS AND DUTIES OF THE BOARD AND ALLOCATION OF BUSINESS

15. (1) The Board shall have the following powers and duties, namely— Powers and duties
- (a) to prepare guidelines on matters relating to the method of recruitment;
  - (b) to conduct examinations, hold interview and make selection of candidates;
  - (c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);
  - (d) to fix emoluments and travelling and other allowances of the experts and examiners;
  - (e) to administer the funds placed at the disposal of the Board;
  - (f) to perform such other duties and exercise such other powers as may be prescribed.
- (2) In exercising the powers or performing the duties, referred to in sub-section (1), the Board shall be guided by such rules or regulations as may be made in this behalf.

16. The Board shall, with the previous approval of the State Government make regulations for the convenient transaction of its business, including performance of its functions by the Chairman or other members or a committee thereof and the business transacted in accordance with such regulations shall be deemed to have been transacted by the Board: Business to be transacted by the Board
- Provided that it shall be lawful for the State Government to accord approval to any such regulation either in original or in modified form.

### CHAPTER IV

#### NOTIFICATION OF VACANCIES AND APPOINTMENTS

17. (1) The appointing authority shall determine and intimate to the Board the number of vacancies to be filled through the Board during the course of the year of recruitment as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories in accordance with the orders of the State Government issued from time to time. Notification of vacancies
- (2) The vacancies shall be notified to the Board in such manner as may be prescribed.
18. (1) The Board shall, as soon as possible after the intimation of vacancies under section 17, hold examination or interview or both and prepare in the manner prescribed a list of the candidates who are found suitable. Selection by the Board
- (2) The list referred to in sub-section (1) shall be forwarded to the appointing authority and the appointing authority shall make appointments from the list so forwarded to it in the order mentioned therein.

### CHAPTER V

#### BUSINESS BEFORE THE BOARD

19. All questions at any meeting of the Board shall be determined by a majority of the members, other than the Chairman present and voting and the Chairman or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes. Decision in meeting
20. The quorum for a meeting of the Board shall be one-half of the total number of members for the time being: Quorum
- Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

## CHAPTER VI

### FUND OF THE BOARD, ANNUAL REPORTS AND ACCOUNTS

- Payment to the Board** 21. The State Government may, after due appropriation made by it in this behalf, pay to the Board in each financial year such sum as may be necessary for the performance of the functions of the Board under this Act.
- Fund of the Board** 22. (1) The Board shall have its own fund and all sums paid to it by the State Government and all receipts of the Board shall be credited to the fund and all payments by the Board shall be made therefrom.
- (2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Government, be determined by the Board.
- Annual reports** 23. The Board shall prepare every year, in such form and in such manner as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the State Government, shall cause the same to be laid before both the Houses of the State Legislature.
- Accounts and Audit** 24. (1) The Board shall cause to be maintained such books of accounts and other registers or records in such form and in such manner, as the State Government may, by general or special order direct.
- (2) The Board shall, as soon as may be after closing its accounts, prepare a statement of accounts in such form as may be prescribed and forward the same to the Accountant General, by such date as the State Government may, in consultation with the Accountant General determine, for audit under section 14 of the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971.
- (3) The annual accounts of the Board, together with the audit report shall be forwarded to the State Government and the State Government shall cause the same to be laid before both Houses of the State Legislature.

## CHAPTER VII

### MISCELLANEOUS

- Power to remove difficulties** 25. (1) The State Government may, for the purpose of removing difficulty, by a notified order, direct that the provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptation, whether by way of modification, addition or omission, as it may deem to be necessary or expedient:
- Provided that no such order shall be made after two years from the date of the commencement of the Act.
- (2) Every order made under sub-section (1) shall be laid before both Houses of State Legislature.
- (3) No order under sub-section (1) shall be called into question on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.
- Power to make rules** 26. The State Government may, by notification, make rules for carrying out the purposes of the Act.
- Power to make regulations** 27. (1) The Board may, with the previous approval of the State Government, make or amend regulations relating to the discharge of its functions under the Act including charging of fees for holding examinations or interviews or both for making selection under the Act.
- (2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of the Act or the rules made thereunder.
- Protection of action taken in good faith** 28. No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

29. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other Act, rules or orders. Act to have overriding effect

U. P.  
Ordinance  
no. 2 of 1988

30. (1) The Uttar Pradesh Subordinate Services Selection Board Ordinance, 1988, is hereby repealed.

Repeal and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act as if the provisions of this Act were in force at all material times.

By order  
S. N. SAHAY,  
Secretary.

पी०एस०यू०पी०-ए०पी० 2250 रजपत्र (हि०)-(4554)-1988-1830 (मेक०)।

Dated Lucknow, October 14, 1988

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhinastha Sewa Chayan Board (Sanshodhan) Adhiniyam, 1988 (Uttar Pradesh Adhiniyam Sankhya 14 of 1988) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 14, 1988.

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION BOARD (AMENDMENT) ACT, 1988

(U. P. ACT NO. 14 OF 1988)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to amend the Uttar Pradesh Subordinate Services Selection Board Act, 1988

IT IS HEREBY enacted in the Thirty-ninth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Subordinate Services Selection Board (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on September 14, 1988.

Amendment of section 3 of U.P. Act No. 7 of 1988

2. In section 3 of the Uttar Pradesh Subordinate Services Selection Board Act, 1988, hereinafter referred to as the principal Act, after clause (e), the following clause shall be inserted, namely :—

“(f) in the Governor’s Secretariat”.

Repeal and Saving

3. (1) The Uttar Pradesh Subordinate Services Selection Board (Amendment) Ordinance, 1988, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act, were in force at all material times.

By order,  
S. N. SAHAY,  
Sachiv.

No. 1724(2)/XVII-V--1-1(KA)26-1990

Dated Lucknow, July 8, 1990

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhinastha Sewa Chayan Board (Sanshodhan) Adhiniyam, 1990 (Uttar Pradesh Adhiniyam Sankhya 15 of 1990) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 8, 1990.

**THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION BOARD (AMENDMENT) ACT, 1990**

(U. P. ACT NO. 15 OF 1990)

[As passed by the U. P. Legislature]

AN

ACT

*further to amend the Uttar Pradesh Subordinate Services Selection Board Act, 1988*

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Subordinate Services Selection Board (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on May 31, 1990.

Amendment of long title of U. P. Act No. 7 of 1988

2. In the long title of the Uttar Pradesh Subordinate Services Selection Board Act, 1988, hereinafter referred to as the principal Act, for the word "Board" the word "Commission" shall be substituted.

General amendment

3. In the principal Act,—

(a) in sub-section (1) of section 1, section 2, section 4, sub-section (2) of section 6, sections 11, 12, 14, 15, 16, 17, 18, 20, 23 and 27 ;

(b) in the heading of chapters II, III and V ;

(c) in the marginal headings of sections 6, 12, 14, 16 and 18 ;

for the word "Board" wherever it occurs, the word "Commission" shall be substituted.

Amendment of section 4

4. In section 4 of the principal Act, after clause (c), the following clause shall be inserted, namely :—

"(c-1) 'Group A post' or 'Group C post' means the post specified as such by the State Government from time to time".

Substitution of section 5

5. For section 5 of the principal Act, the following section shall be substituted, namely :—

"5. (1) There shall be a Commission to be known as the Uttar Pradesh Subordinate Services Selection Commission.  
*Establishment of Commission.*

(2) The Uttar Pradesh Subordinate Services Selection Board constituted as a body corporate under section 5 of this Act as it stood immediately before May 31, 1990, shall stand dissolved on May 31, 1990 and upon such dissolution—

(a) the Chairman and other members of that Board shall become respectively the first Chairman and other members of the Commission ;

(b) all the properties and assets of that Board shall stand transferred to, and vest in, the State Government ;

(c) all debts, liabilities and obligations of that Board, whether contractual or otherwise, shall stand transferred to the State Government ;



(d) the services of every whole time employee of the Board shall provisionally stand transferred to the State Government, and—

(i) if he gives notice in writing to the State Government within ninety days from May 31, 1990 of his intention not to become an employee of the State Government, his services shall stand terminated on the expiration of that period ;

(ii) in any other case he shall become an employee of the State Government as on May 31, 1990.

6. In section 6 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely.

Amendment of section 6.

“(1) the Commission shall consist of a Chairman and such other members not exceeding five, as the State Government may, from time to time appoint :

Provided that not less than one half of the member shall, as far as possible, be persons who on the date of their respective appointments have, for at least ten years, held post or posts under the Central or the State Government, not below the rank of Group ‘A’ posts of the State Government.” ;

b) in sub-section (2), for the word and figure “section 7” the word and figure “sub-section (1)” shall be substituted.

7. For section 7 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 7.

“7. (1) The Chairman shall be in charge of the administration of the Commission and shall have the powers to—  
*Powers and duties of Chairman and other members*

(a) constitute committees or sub-committees from amongst the members with or without one or more non-members ;

(b) allocate to members, Committees and sub-committees such work as is not specifically allocated by this Act, or rules or regulations made thereunder ;

(c) co-ordinate the working of the Commission and its members;

(d) grant casual leave to and approve the tour programme of, other members and officers of the Commission.

(2) The other members shall assist the Chairman in conducting the examinations and interviews of candidates and do such other work as may be allocated to them by or under this Act, the rules or regulations made thereunder, or by the Chairman under clause (b) of sub-section (1).”

8. For section 13 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 13.

“13. (1) There shall be a Secretary of the Commission appointed by the State Government, who shall be the Head of the Office of the Commission.  
*Secretary of the Commission.*

(2) The Secretary shall exercise such powers and perform such duties as may be specified in the rules or regulations made under this Act.”

9. In section 15 of the principal Act, in sub-section (1), clauses (d) and (e) shall be omitted.

Amendment of section 15.

10. For section 19 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 19.

“19. All questions at any meeting of the Commission shall be determined by a majority of the members present and voting and in the case of equality of votes, the Chairman, or in his absence, the member presiding, shall have a second or casting vote.”  
*Decision in meeting*

Substitution of  
heading of  
Chapter VI

11. For the heading of Chapter VI of the principal Act, the following heading shall be *substituted*, namely:—  
“Annual Reports”

Omission of  
sections 21, 22,  
24 and 25

12. Sections 21, 22, 24 and 25 of the principal Act, shall be *omitted*.

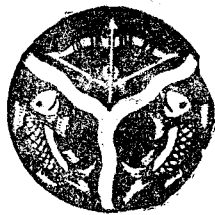
Repeal and  
saying

13. (1) The Uttar Pradesh Subordinate Services Selection Board (Amendment) Ordinance, 1990, is hereby repealed.

U. P. O  
nace no  
of 1990.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,  
NARAYAN DAS,  
Sachiv.



रजि० नं० एस. डब्ल्यू./एन. पी. 56६

लाइसेंस नं० डब्ल्यू पी०-४१

लाइसेंस टू पोस्ट एंड कन्सुमर प्रोटेक्शन

# सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग—1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शनिवार, 3 अप्रैल, 1993

चैत्र 13, 1915 शक सम्वत्

UTTAR PRADESH SARKAR  
VIDHAYI ANUBHAG-I

No. 554/XVII-V-1-1(KA) 4-1993

Dated Lucknow, April 3, 1993

## NOTIFICATION

### Miscellaneous

The following President's Act enacted on April 3, 1993 is published for general information :—

### THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION COMMISSION (AMENDMENT) ACT, 1993

(PRESIDENT'S ACT, No. 4 OF 1993)

Enacted by the President in the Forty-fourth Year of the Republic of India

AN

ACT

further to amend the Uttar Pradesh Subordinate Services Selection  
Commission Act, 1988

In exercise of the powers conferred by section 3 of the Uttar Pradesh  
State Legislature (Delegation of Powers) Act, 1993, the president is pleased  
to enact as follows :—

1. (1) This Act may be called the Uttar Pradesh Subordinate Services  
Selection Commission (Amendment) Act, 1993.

Short title and  
commencement.

(2) It shall be deemed to have come into force on the 16th day of  
January, 1993.

Amendment of section 6 of U. P. Act no. 7 of 1988.

2. In section 6 of the Uttar Pradesh Subordinate Services Selection Commission Act, 1988, (hereinafter referred to as the principal Act), for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The Commission shall consist of a Chairman and such other members not exceeding five as the State Government may from time to time appoint from amongst its officers and the officers of a corporation wholly owned or controlled by the State Government who have, for at least ten years, held a post or posts under the Central or State Government or such corporations not below the rank of Group ‘A’ posts of the State Government.”

Omission of sections 8 and 9

3. Sections 8 and 9 of the principal Act shall be omitted.

Substitution of section 10.

4. For section 10 of the principal Act, the following section shall be substituted, namely :—

“10. (1) The provisions of rule 56 of the Uttar Pradesh Fundamental Rules shall apply and continue to apply to every member of the Commission as they apply to any other Government servant of the same grade, rank or cadre.

(2) Notwithstanding anything contained to sub-section (1), a person who has retired on attaining the age of superannuation, from Government Service or the service of a corporation wholly owned or controlled by the State Government, may be re-employed and appointed as a member, if he is otherwise eligible for such appointment under sub-section (1) of section 6 for such period as may be specified in the appointment order, so however, that he shall not hold the office beyond the date of his attaining the age of sixty-two years.

(3) Any person holding the office of a member on August 30, 1991 who had passed the date of retirement provided in rule 56 of the Uttar Pradesh Fundamental Rules, before August 30, 1991 shall be deemed to have been re-employed and appointed under sub-section (2)”.  
Application of F. R. 56 to members

Repeal and saving.

5. (1) The Uttar Pradesh Subordinate Services Selection Commission (Amendment) Ordinance, 1993 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

Ordinance no. 19

SHANKER DAYAL SHARMA,  
President.

B. R. ATRE,  
Joint Secretary to the Govt. of India.

#### Reasons for the Enactment

By the Uttar Pradesh Subordinate Services Selection Board Act, 1988, the Uttar Pradesh Subordinate Services Selection Board was set up to make selections for subordinate services under the Government of Uttar Pradesh. The Board had a corporate entity separate from the Government. Subsequently, vide the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Act, 1990, the provisions of the principal Act were amended where by the Board was redesignated as Commission and the Commission was converted into a Department of the Government. However, certain amendments to the principal Act which had become necessary due to the change in the above status of the Board could not be carried out simultaneously and therefore, were effected later through the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Ordinance, 1991 promulgated by the Governor on the 30th August, 1991. By this Ordinance, the provisions of the principal Act relating to

appointment to non-official persons as Members of the Commission, removal of any Member of the Commission, investigation by a sitting Judge of High Court for such removal, and non-eligibility of a Chairman or Members on ceasing to hold office, to posts under the Government of Uttar Pradesh were omitted. A provision was also made for application of FR 56 of the Uttar Pradesh Fundamental Rules dealing with the age of retirement of Government servants to the Members of the Commission while empowering the State Government to re-employ retired officials as Chairman/Members upto the age of 62 years. This amendment was to make normal governmental rules and regulations relating to service conditions applicable to Chairman and Members of the Commission since it had become a Department of the Government.

2. Since this Ordinance could not be replaced by a Bill, the amendments made *vide* this Ordinance were continued by promulgating successive Uttar Pradesh Ordinances on the 10th March, 1992, the 18th May, 1992 and the 29th November, 1992 and by the promulgation of the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Ordinance, 1993 (Ordinance 13 of 1993) by the President on the 16th January, 1993.

3. Parliament has under article 357 (1) (a) of the Constitution, conferred on the President the power of the Legislature of the State of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993.

4. Under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993, the President shall, before enacting the President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As it is necessary to replace the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Ordinance, 1993 (Ordinance 13 of 1993) by a President's Act before the 4th April, 1993 and the said Committee has not so far been constituted and the time left for reference to the Committee is very short, it is proposed to enact the measure without reference to the Committee.

N. R. RANGANATHAN,  
Secy. to the Govt. of India,

Ministry of the Personnel, Public Grievances and Pensions.

By order,  
N. K. NARANG,  
Sachiv.

No. 1257(2)/XVII-V-1—1(KA)-18-1997

Dated Lucknow, August 16, 1997

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhinastha Seva Chayan Aayog (Sanshodhan) Adhiniyam, 1997 (Uttar Pradesh Adhyadesh Saakhya 19 of 1997) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 16, 1997.

**THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION  
COMMISSION (AMENDMENT) ACT, 1997**

[U. P. ACT No. 19 OF 1997]

*(As passed by the Uttar Pradesh Legislature)*

AN

ACT

*further to amend the Uttar Pradesh Subordinate Services Selection  
Commission Act, 1988.*

IT IS HEREBY enacted in the Forty-eighth Year of the Republic of India  
as follows :—

Short title

1. This Act may be called the Uttar Pradesh Subordinate Services  
Selection Commission (Amendment) Act, 1997.

2. In section 4 of the Uttar Pradesh Subordinate Services Selection Commission Act, 1933, hereinafter referred to as the principal Act, -

(a) For clause (b) the following clause shall be substituted, namely:-

“(b) ‘Commission’ means the Uttar Pradesh Subordinate Services Selection Commission established under section 5, with respect to the territorial area of Uttar Pradesh excluding Uttaranchal and the Uttar Pradesh Subordinate Services Selection Commission (Uttaranchal) established under section 5-A with respect to Uttaranchal;”

(b) after clause (e) the following clause shall be inserted, namely:-

“(e-1) ‘Uttaranchal’ means the territorial area comprising the districts of Almora, Chamoli, Dehradun, Nainital, Pauri-Garhwal, Pithoragarh, Tehri Garhwal, Udham Singh Nagar and Uttarkashi.”

3. After section 5 of the principal Act, the following section shall be inserted, namely :-

Insertion of new section 5-A

“5-A (1) Notwithstanding anything contained in section 5, there shall be established a Commission of Commission for Uttaranchal to be known as the Uttar Pradesh Subordinate Services Selection Commission (Uttaranchal).

(2) The Commission established under section 5 shall with effect from the date of establishment of the commission under sub-section (1), cease to be the Commission in respect of Uttaranchal.

(3) The Uttar Pradesh Subordinate Services Selection Commission shall continue to have jurisdiction in cases in which selection process has been initiated before the establishment of Uttar Pradesh Subordinate Services Selection Commission (Uttaranchal) and such cases shall be dealt with in accordance with the provisions of law as they stood before such establishment.

*Explanation :* For the purposes of this sub-section the selection process shall be deemed to have been initiated where recruitment is to be made on the basis of-

(I) written test or interview only, the written test or the interview, as the case may be, has started, or

(II) both written test and interview, the written test has started.”

By order,  
R. D. MATHUR,  
Pramukh Sachiv.]

Law  
Tren  
The Line of

Dated Lucknow, February 7, 1998

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhinastha Seva Chayan Aayog (Nirсан) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 5 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 6, 1998.

**THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION COMMISSION (REPEAL) ACT, 1998**

(U.P. ACT NO. 5 OF 1998)

[As passed by the Uttar Pradesh Legislature]

**AN  
ACT**

to repeal the Uttar Pradesh Subordinate Services Selection Commission Act, 1988.

IT IS HEREBY enacted in the Forty-ninth Year of the Republic of India as follows :-

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Subordinate Services Selection Commission (Repeal) Act, 1998.

(2) It shall be deemed to have come into force on December 28, 1997.

Repeal of U.P. Act no. 7 of 1988

2. The Uttar Pradesh Subordinate Services Selection Commission Act, 1988 is hereby repealed.

Repeal

3. The Uttar Pradesh Subordinate Services Selection Commission (Repeal) Ordinance, 1997 is hereby repealed.

U.P.  
Ordinance  
No. 16  
1997

By order,  
G. S. PANDEY,  
Vishesh Sachiv.

Law  
Trend  
The Line of Law



UTTAR PRADESH SARKAR

VIDHAYI ANUBHAG-1

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No. 133/VII-V-1-1(ka)4-2006

*Dated Lucknow, February 20, 2006*

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Notification

Miscellaneous

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhinasth Seva Chayan Ayog Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 1 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 17, 2006.

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION COMMISSION  
ACT, 2006

(U.P. ACT NO. 1 OF 2006)

*(As passed by the Uttar Pradesh Legislature)*

AN

ACT

*to provide for the establishment of a Subordinate Services Selection Commission for certain categories for Subordinate Services and for matter connected therewith and incidental thereto.*

IT IS HEREBY enacted in the Fifty seventh Year of the Republic of India as follows:

CHAPTER-I

PRELIMINARY

1-(1) This Act may be called the Uttar Pradesh Subordinate Services Selection Commission Act, 2006.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Short title and  
commencement

Law  
Trend  
The Line of Law

2. The provisions of this Act shall apply in relation to direct recruitment to all Group 'C' posts including posts in the Civil Secretariat and also to all Group 'C' posts in a Board or a Corporation or other statutory body established by or controlled by the State Government: Applicability

Provided that the State Government may, by notification, withdraw or add any post from the purview of the Commission.

3. Nothing in this act shall apply to recruitment to any post— Exception

- (a) in the Secretariat of each House of the State Legislature;
- (b) under the High Court or a Court subordinate thereto;
- (c) under the State Public Service Commission;
- (d) under the Lok Ayukt appointed under the Uttar Pradesh Lok Ayukt and Up-Lok Ayukt Act, 1975;
- (e) governed by the Police Act, 1861.

4. In this Act unless the context otherwise requires— Definitions

(a) 'Appointing authority', in relation to any service or post, means the authority empowered to make appointment to such service or post;

(b) 'Commission' means the Uttar Pradesh Subordinate Services Selection Commission constituted under section 5;

(c) 'Chairman' means the Chairman of the Commission;

(d) 'Group 'C' post' means the post specified as such by the State Government from time to time;

(e) 'Member' means a Member of the Commission and includes the Chairman;

(f) 'Old Commission' means the Uttar Pradesh Subordinate Services Selection Commission constituted under the Uttar Pradesh Subordinate Services Selection Commission Act, 1988;

(g) 'Other backward classes' means the backward classes specified in Schedule-I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other backward Classes) Act, 1994;

(h) "Secretary" means the Secretary of the commission;

(i) 'Year of recruitment' means the period of twelve months commencing on the first day of July of a Calendar year.

## CHAPTER-II

### ESTABLISHMENT OF THE COMMISSION

5. (1) On and from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Commission to be known as the Uttar Pradesh Subordinate Services Selection Commission. Establishment of the Commission

(2) The Services of every wholetime employee of the Old Commission serving in that Commission immediately before the commencement of this Act shall stand transferred to the Commission.

6. (1) The Commission shall consist of a Chairman and such other Members not exceeding eight, as the State Government may from time to time appoint: Composition of the Commission

Provided that member shall be eligible for appointment as Chairman but shall not be eligible for re-appointment or continuance in office either as Member or Chairman after the period of his term.

(2) If the office of the Chairman becomes vacant or if the Chairman by reason of absence or for any other reason is unable to perform the duties of his office, such duties shall, until some person appointed under sub-section (1) has assumed or, as the case may be, until the Chairman has resumed his duties, be performed by such Member as the State Government may appoint for the purpose.

Appointment of  
Chairman and  
Members

7. The Chairman and other Members shall be appointed by the State Government:

Provided that as nearly as may be one half of the Members of the Commission shall be the persons who on the date of their respective appointment have held office on Group 'A' post for at least ten years under the Government of India or under the State Government.

Powers and duties  
of Chairman and  
other Members

8. (1) The Chairman shall be in charge of the administration of the Commission and shall have the power to—

(a) constitute Committees or sub-committees from amongst the Members with or without one or more non-members;

(b) allocate to Members, committees and sub-committees such work as is not specifically allocated by this Act, or rules or regulations made there under;

(c) co-ordinate the working of the Commission and its Members;

(d) grant leave to and approve the tour programmes of Members and Officers of the Commission.

(2) The Members shall assist the Chairman in conducting the examinations and interviews of candidates and do such other work as may be allocated to them by or under this Act, the rules or regulations made there under, or by the Chairman under clause (b) of sub-section (1).

Terms of Office and  
Conditions of  
service of  
Members

9. (1) The Chairman or every other Member shall hold office for a term of five years from the date he assumes his office:

Provided that no Member including the Chairman shall hold office as such after he has attained the age of Sixty five years or he has completed his term, whichever is earlier.

(2) The Chairman or other Member may, at any time, by writing under his hand addressed to the State Government resign from his office.

(3) The Chairman or other Member may be removed from his office by an order made by the State Government on the ground that he has acquired any of the disqualifications specified in section 10 or on the ground of misconduct or incapacity after an inquiry made by a Judge of the High Court in the manner as may be prescribed in which such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Disqualification for  
being the Chairman  
or other Member

10. A person shall be disqualified for appointment as Chairman or other Member if he—

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court.

Power to Associate

11. The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice it may desire to have in carrying out any of the provision of this Act.

Proceedings of the  
Commission not to  
be invalidated.

12. No act or proceedings of the Commission shall be deemed to be invalid merely on the ground of

(a) any vacancy or defect in the constitution of the Commission;

(b) any defect or irregularity in the appointment of a person acting as the Chairman or other Member thereof; or

(c) any defect or irregularity in such act or proceeding not affecting the substance.

Secretary of the  
Commission

13: (1) There shall be a Secretary of the Commission appointed by the State Government, who shall be the Head of the Office of the Commission.

(2) The Secretary shall exercise such powers and perform such duties as may be specified in the rules or regulations made under this Act or as may be directed by the Chairman.

14. All the decisions and orders of the Commission shall be authenticated by the signature of the Secretary or any other officer authorised by the Commission in this behalf. Authentication of the orders of the Commission

### CHAPTER-III POWERS AND DUTIES OF THE COMMISSION AND ALLOCATION OF BUSINESS

15. (1) The Commission shall have the following powers and duties, namely – Powers and Duties of the Commission

(a) to prepare guidelines on matters relating to the method of recruitment;

(b) to conduct examinations, hold interview and make selection of candidates ;

(c) to select and invite experts and to appoint examiners for the purposes specified in clause (b) ;

(d) to perform such other duties and exercise such other powers as may be prescribed.

(2) In exercising the powers or performing the duties referred to in sub-section (1), the Commission shall be guided by such rules or regulations as may be made in this behalf.

16. The Commission shall, with previous approval of the State Government, make regulations for the convenient transaction of its business, including performance of its functions by the Chairman or other Members or a committee thereof and the business transacted in accordance with such regulations shall be deemed to have been transacted by the Commission; Business to be transacted by Commission

Provided that it shall be lawful for the State Government to accord approval to any such regulation either in original or in modified form.

### CHAPTER-IV NOTIFICATION OF VACANCIES AND APPOINTMENT

17. (1) The appointing authority shall determine and intimate to the Commission the number of vacancies to be filled through the Commission during the course of the year of recruitment as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories in accordance with the law for the time being in force in this behalf. Notification of vacancies

(2) The vacancies shall be notified to the Commission in such manner as may be prescribed.

18. (1) The Commission shall, as soon as possible after the intimation of vacancies under section 17, hold examination or interview or both and prepare in the manner prescribed a list of the candidates who are found suitable. Selection by the Commission

(2) The list referred to in sub-section (1) shall be forwarded to the appointing authority and the appointing authority shall make appointments from the list so forwarded to it in the order mentioned therein.

### CHAPTER-V BUSINESS BEFORE THE COMMISSION

19. All matters at any meeting of the Commission shall be determined by a majority of the members present and voting and in the case of equality of votes, the Chairman, or in his absence, the member presiding shall have a second or casting vote. Decision in meeting

20. The quorum for a meeting of the Commission shall be one-half of the total number of members : Quorum

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

**CHAPTER-VI  
ANNUAL REPORTS**

Annual Reports

21. The Commission shall prepare every year, in such form and in such manner as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the State Government, shall cause the same to be laid before both the Houses of the State Legislature.

**CHAPTER-VII  
MISCELLANEOUS**

Power to make rules

22. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Power to make regulations

23. (1) The Commission may, with the previous approval of the State Government, make or amend regulations relating to the discharge of its functions under this Act including charging of fees for holding examinations or interviews or both for making selection under this Act.

(2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made thereunder.

Protection of action taken in good faith

24. No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

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**STATEMENT OF OBJECTS AND REASONS**

It is necessary to select able, worthy and hardworking personnel for appointment to the posts in administrative departments of the State. It is also necessary to ensure the quality of selection, its impartiality and transparency in their selection. Though the institution of Uttar Pradesh Public Service Commission is present at Constitutional level but owing to increased pressure on its working, difficulty is being realised regarding selection on Group 'C' posts. In near past, selection on Group 'C' posts was being done under the direct supervision of the State Government but Head of Departments had to devote much time for the above selections. Due to all these reasons, it is quite necessary to establish an independent Subordinate Services Selection Commission for this purpose. It has, therefore, been decided to make law to provide for the establishment of a Commission by the name of Uttar Pradesh Subordinate Services Selection Commission for the selection on certain Group 'C' posts in the State.

The Uttar Pradesh Subordinate Services Selection Commission Bill, 2006 is introduced accordingly.

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By Order,  
RAM HARI VIJAY TRIPATHI,  
Pramukh Sachiv..

पी०एस०यू०पी०-ए०पी०-2212 राजपत्र (हिन्दी)-(3155)-2006-597 प्रतियां-कम्प्यूटर/आफसेट ।

पी०एस०यू०पी०-ए०पी०-165 सा० विधायी-(3156)-2006-850 प्रतियां-कम्प्यूटर/आफसेट ।

No. 572/VII-V-1-01 (Ka) 16-2006

Dated Lucknow, May 24, 2006

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhinastha Seva Chayan Ayog (Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 14 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on May 23, 2006.

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION COMMISSION  
(AMENDMENT) ACT, 2006

(U.P. ACT NO. 14 OF 2006)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh Subordinate Services Selection Commission Act, 2006.

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Act, 2006.

(2) It shall be deemed to have come into force on February 23, 2006.

2. In section 9 of the Uttar Pradesh Subordinate Services Selection Commission Act, 2006 in sub-section (1) and in the proviso thereof for the words "five years" the words "six years" shall be substituted.

Short title and commencement

Amendment of section 9 of U.P. Act no. 1 of 2006

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Subordinate Services Selection Commission Act, 2006 (U.P. Act no. 1 of 2006) has been enacted to Provide for the establishment of a Subordinate Services Selection Commission for certain categories of Subordinate Services and for matters connected therewith or incidental thereto sub-section (1) of section 9 of the said Act provides that the Chairman or every other Member shall hold office for a term of five years from the date he assumes office or till he attains the age of sixty-five years whichever is earlier. Since the term of office of the Chairman and every Member of the Uttar Pradesh Public Services Commission is six years, it has been decided to amend the said Act to increase the term of office of the Chairman and other Members from five years to six years so as to maintain the uniformity in the terms of office of the Chairman and Members of both the said Commissions.

The Uttar Pradesh Subordinate Services Selection Commission (Amendment) Bill, 2006 is introduced accordingly.

By order,

RAM HARI VIJAY TRIPATHI,

*Pramukh Sachiv.*