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The Assam Gazette

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT: LEGISLATIVE
BRANCH

NOTIFICATION

The 7th May 1994

No. LGL.119/93/93.—The following Act of the Assam
Legislative Assembly which received the assent of the
Governor is hereby published for general information.

ASSAM ACT NO. XXIX OF 1994

(Received the assent of the Governor on 6th May, 1994)

THE ASSAM DISTRICTWISE POPULATION PATTERN
REFLECTION IN SERVICES (IN CLASS III AND CLASS
IV POSTS) ACT, 1994.

AN

ACT

to provide for reflection of districtwise population pattern
in appointment to Services in Class III and Class IV posts.

Preamble.

Whereas it is expedient to provide for
reflection of districtwise population pattern in appointment in Services in Class III and Class IV posts in Government and Semi-Government Offices in order to give proper representation of various sections of the people.

And whereas the Assam Legislative Assembly, in a resolution adopted on 10th February 1976, recommended to the State Government to take immediate steps to rationalise appointment in posts in Government and Semi-Government services so that the sub-divisionwise population pattern in the State is suitably reflected;

And whereas it would be more rational to ensure to reflect districtwise population pattern;

It is hereby enacted in the Forty-fifth Year of the Republic of India as follows, namely:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the
Assam Districtwise Population Pattern
Reflection in Services (in Class III and
Class IV posts) Act, 1994.

(2) It extends to the whole of Assam.

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

Definitions.

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

(a) "Commission" means the Assam Public Service Commission ;

(b) "Government" means the State Government of Assam ;

(c) "High Power Officer" means an officer of the rank of Additional Chief Secretary of the Government appointed as such under Section 6 of this Act ;

(d) "Class III and Class IV posts" means posts classified as such in the Classification of Services in the Resolution on the Report of Assam Pay Commission, 1988, vide Notification No. FPC. 24/90/128, dated 6th December, 1990 ;

(e) "Population Pattern" means the ratio or percentage of various classes of population to the total population of a district ; and

(f) "Reserved Categories" means persons belonging to Scheduled Castes/ Scheduled Tribes/Other Backward Classes/More Other Backward Classes/ Ex-Serviceman/Physically Handicapped persons, as the case may be.

Application. 3. This Act shall apply to services of all Class III and Class IV posts under the Government and Semi-Government services and agencies recruitment to which

are made through the Commission or otherwise.

Principle of appointment.

4. (1) At the commencement of this Act, all appointments to Services in Class III and Class IV in the Government or Semi-Government Offices or agencies which are to be made by direct recruitment shall be regulated in the following manner :—

(a) Minimum Qualification and standard prescribed shall be maintained in all examinations and tests held for the purpose of recruitment to the Services in Class III and Class IV posts.

(b) Candidates possessing minimum qualification and achieving minimum standard shall be given due weightage so as to ensure the reflection of the population pattern in the district.

(2) There shall be backlog for not filling of the vacancy in any year for non-availability of candidate.

Recruitment to be subject to reservation.

5. Notwithstanding anything contained in this Act, recruitment under this Act shall be subject to reservation in favour of candidates who are members of the Scheduled Castes/the Scheduled Tribes (Hills)/ the Scheduled Tribes (Plains)/the Other Backward Classes including More other Backward Classes/ the Ex-Serviceman and the Physically Handicapped persons as laid down by the Government from time to time :

Provided that in reflecting district-wise population pattern in such recruitment the overall quota for the reserved categories shall be maintained :

Provided further that the reservation on all counts shall not exceed 50% of the vacancies.

Appointment
of High
Power
Officer.

6. (1) The Government shall appoint a High Power Officer of the rank of Additional Chief Secretary exclusively :—

(i) to examine the population pattern in suitable manner ;

(ii) to determine non representation/ more representation/less representation in terms of the population pattern in the existing Government Services/Semi-Government Services; and

(iii) to recommend to Government the mode of reflection of such population pattern in recruitment to Government / Semi -Government Offices.

(2) The Government shall consider the recommendation of the officer appointed under sub-section (1) and shall determine the basis for recruitment to reflect the population pattern.

Power to
make rules.

7. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
remove difficulty.

8. If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the Official Gazette, make provision not inconsistent with the provisions of this Act as appears to be necessary for removing the difficulty.

Power to
review.

9. The Governor shall review the progress made in implementing the provisions of this Act in reflecting the population pattern in the services in Class III and Class IV posts from time to time at least once in every two years and taken appropriate measures accordingly.

Repeal and
Saving.

10. (1) The Assam Districtwise population pattern Reflection in services (Class III and Class IV posts) Ordinance, 1994, is hereby repealed. (Assam Ordinance No. 1 of 1994).

(2) Notwithstanding such repeal, anything done or any action taken under the ordinance so repealed shall be deemed to have done or taken under the corresponding provision of this Act.

K. LASKAR,

Secretary to the Govt. of Assam,
Legislative Department.

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