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**Assam Districtwise Population Pattern Reflection In  
Services (In Class Iii And Class Iv Posts) Act, 1994**

**29 of 1994**

**[06 May 1994]**

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Application
4. Principle Of Appointments
5. Recruitment To Be Subject To Reservation
6. Appointment Of High Power Officer
7. Power To Make Rules
8. Power To Remove Difficulty
9. Power To Review
10. Repeal And Saving

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An Act to provide for reflection of districtwise population pattern in appointment to Services in Class III and Class IV posts. 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-- In order to give proper representation of various communities residing in backward places who because of

poverty/lack of education/want of scope are incapable of competing with others and for which there is negligible representation of these communities in Government and semi-Government Offices, it is necessary to take positive steps to remove the feeling of neglect from the minds of these people. As the Assembly was not in session, the above objective was sought to be achieved by promulgation of an Ordinance and accordingly the Governor, in exercise of powers conferred by clause (1) of Article 213 of the Constitution, promulgated the Assam Districtwise Population Pattern Reflection in Services (Class III and Class IV) Posts Ordinance, 1994. The Present Bill namely, the Assam Districtwise Population Pattern Reflection in Services (Class III and Class IV) Posts Bill seeks to substitute the said Ordinance. Besides, in the present bill, the definition of "Population pattern" has been sought to be modified so as to give wider meaning of the term. Hence the Bill with aforesaid modification. [Published in the Assam Gazette Extraordinary (No.28), dated 19th March, 1994, pp.-244-245). STATEMENT OF OBJECTS AND REASONS AMENDING ACT - ASSAM ACT NO. IX OF 1997 This amendment seeks to delete the word 'Exclusively' from the clause 6(1) of the original Act viz. The Assam Districtwise Population Pattern Reflection in Services (in Class III and Class IV Posts) Act, 1994 to ensure appointment of a High Power Officer in the rank of Additional Chief Secretary to the Government of Assam in addition to his own duties instead of appointing him exclusively for the purpose. Hence the Bill. [Published in the Assam Gazette Extraordinary (No. 60), dated 14th March, 1997, pp.-463]. 1. Published in the Assam Gazette Extraordinary No.64, dated the 7th May, 1994, pp 767 to 772.

### **1. Short Title, Extent And Commencement :-**

- (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 State Government may by notification, appoint.

### **2. Definitions :-**

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.

### **3. Application :-**

This Act shall apply to services of all Class III and Class IV posts under the Government and Semi-Government services agencies recruitment to which are made through the Commission or otherwise.

### **4. Principle Of Appointments :-**

(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 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.

### **5. Recruitment To Be Subject To Reservation :-**

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.

#### **6. Appointment Of High Power Officer :-**

(1) The Government shall appoint a High Power Officer of the rank of Additional Chief Secretary [\*\*]--

(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.

#### **7. Power To Make Rules :-**

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

#### **8. Power To Remove Difficulty :-**

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.

#### **9. Power To Review :-**

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.

#### **10. Repeal And Saving :-**

- (1) The Assam Districtwise Population Pattern Reflection in Services (Class III and Class IV posts) Ordinance, 1994 is hereby repealed.
- (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 provisions of this Act.