

Assam Scheduled Castes And Scheduled Tribes (Reservation Of Vacancies In Services And Posts) Act, 1978

12 of 1979

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SCHEDULE 1 :- SCHEDULE I

Assam Scheduled Castes And Scheduled Tribes (Reservation Of Vacancies In Services And Posts) Act, 1978

12 of 1979

An Act to provide for reservation of vacancies in services and posts for the members of the Scheduled Castes and Scheduled Tribes. STATEMENT OF OBJECT AND REASONS In order to provide for reservation of vacancies in services and posts for the members of the Scheduled Castes and Scheduled Tribes who are the Backward Classes of citizen and are not adequately represented in the services and posts in the affairs of the State within the State, it was considered expedient to provide adequate reservation of vacancies in services and posts for them. Hence the Bill. (Published in the Assam Gazette Extraordinary No. 163, dated 22-11-1978). Whereas the members of the Scheduled Castes and Scheduled Tribes who are Backward Classes of citizens are not adequately

represented in the services and posts within the State; And Whereas it is expedient to provide for the reservation of vacancies in services and posts for them; It is hereby enacted in the Twenty-ninth Year of the Republic of India, by the Legislature of Assam, as follows-- 1. Published in the Assam Gazette Extraordinary, dated 28th, May 1979.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint¹.

1. Notification No. TAD/PT./565/76/191 dated the 29-6-1979, [Published in the Assam Gazette Extraordinary (No. 142) dated 30-6-1979, (w.e.f. 1-7-1979)].

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "Appointing Authority", in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

(b) "Establishments", means any Office of the State Government, a local or statutory authority constituted under any State Act for the time being in force or a Corporation in which not less than fifty-one percent of the paid up share capital is held by the State Government and includes Universities and Colleges affiliated to the Universities, Primary, Secondary and Multipurpose Schools and also other educational institutions which are owned or aided by the State Government and also includes an establishment in Public Sector;

(c) "Establishment in public sector" means any industry, trade, business or occupation owned, controlled or managed by-

(i) the State Government or any department of the State Government; or

(ii) a Government Company as defined in Section 617 of the Companies Act, 1956 or a Corporation established by or under a Central or State Act, in which not less than fifty-one percent of the paid-up share capital is held by the State Government; or

(iii) a local or statutory authority, constituted under any State Act,

for the time being in force;

(d) "Establishment in private sector" means any industry, trade, business or occupation which is not an establishment in Public Sector;

(e) "Schedule" means the Schedule appended to this Act.

3. Act Not To Apply In Relation To Certain Employments :-

This Act shall not apply in relation to--

(a) any employment under the Central Government;

(b) any employment in the Assam Judicial Service Grade I;

(c) any employment in domestic service.

4. Reservation For Scheduled Castes And Scheduled Tribes In Vacancies To Be Filled By Direct Recruitments :-

At the commencement of this Act, all appointments to services and posts in the establishment which are to be filled up by direct recruitment shall be regulated in the following manner, namely-

(a) subject to the other provisions of this Act, seven percent of the vacancies shall be reserved for the candidates belonging to Scheduled Castes and ten percent for Scheduled Tribes (Plains) and five percent for Scheduled Tribes (Hills), in the manner set out in the Schedule :

Provided that the State Government may from time to time review the implementation of the reservation policy and take adequate measures including increase of percentage, mentioned in Clause 4(a) of this Act :

Provided further that the candidates belonging to Scheduled Castes and Scheduled Tribes who qualify for selection on merit shall be included in the general list and not against reserved quota:

Provided also that in respect of the Assam Judicial Service, the percentage shall be seven for Scheduled Castes and ten for Scheduled Tribes (Plains) and five for Scheduled Tribes (Hills) in Grade II and III of the Service;

(b) fees, if any, prescribe for any examinations for selection to any service or post shall be reduced to half in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes;

(c) the members of the Scheduled Castes and the Scheduled Tribes shall be entitled to a concession of three years over the prescribed maximum age limit for appointment to any services or post.

5. Reservation For Scheduled Castes And Scheduled Tribes

In Vacancies To Be Filled Up By Promotion :-

Reservation for members of Scheduled Castes and Scheduled Tribes in vacancies to be filled up by promotion in any establishment shall be regulated in the following manner, namely-

(a) there shall be reservation at seven percent for members of the Scheduled Castes and ten percent for the members of Scheduled Tribes (Plains) and five percent for the members of the Scheduled Tribes (Hills) :

Provided that the State Government may from time to time review the implementation of the reservation policy and take adequate measures including increase of percentage, mentioned in Clause 5(a) of this Act;

(b) a separate twenty point roster in the form given in the Schedule shall be maintained by every establishment.

6. Power To Exempt :-

If the State Government is of opinion that the reservation for members of the Scheduled Castes or Scheduled Tribes shall not be applied to any specialised service or post in view of the specialised qualification or experience necessary and in absence of such qualified candidates from amongst the Scheduled Castes and Scheduled Tribes the State Government may, by notification in the Official Gazette, exempt such service or post from the provisions of this Act.

7. Penalty :-

If an Appointing Authority makes an appointment in contravention of the provisions of Section 4 or Section 5, he shall be punishable with fine which may extend to one thousand rupees and the State Government may also draw up proceedings against the respective Head of the Department asking for show cause and for further punishment:

Provided that nothing contained in this section shall apply in relation to an appointment to any service or post of which the Appointing Authority is the Governor.

8. Cognizance Of Offences :-

No prosecution for an offence under this Act shall be instituted except by, or with the sanction of the State Government.

9. Protection Of Action Taken In Good Faith :-

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

10. Removal Of Difficulties :-

If any difficulty arises in giving effect to the provisions of the Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State Government may consider necessary for removing the difficulty.

11. Power To Amend The Schedule :-

The State Government may, by order publish in the Official Gazette, add to, amend or alter the Schedule.

12. Submission Of Annual Report Maintenance Of Other Records And Inspection Thereon :-

(1) Every Appointing Authority shall maintain such records as may be prescribed by rules made in this behalf and shall furnish to the State Government in the prescribed manner an annual report on the appointments made by it during the previous financial year.

(2) Any Officer authorised by the State Government in that behalf may inspect any records or document which are maintained in relation to appointments made by such Appointing Authority.

(3) It- shall be the duty of the Appointing Authority to produce such records or documents for inspection by the officer authorised under sub-section (2), and furnish such information or afford such assistance as may be necessary for him to carry out his functions under this Act.

(4) Notwithstanding anything contained in the Assam Civil Services (Conduct) Rules, 1965, any member of any Scheduled Castes or any Scheduled Tribes who is adversely affected on account of non-compliance with the provisions of this Act or the rules made thereunder by any Appointing Authority, may bring the fact to the notice of the State Government and upon application made by him the State Government may call such records or take such action thereon as it may think fit.

13. Power To Make Rules :-

(1) The State Government may make rules for carrying out the purposes 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) form in which every establishment shall submit annual report to the State Government regarding the number of person recruited in such establishment;

(b) any other matter which has to be or may be prescribed by rules made in this behalf.

SCHEDULE 1

SCHEDULE I

(See Section 4)

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in services or posts in an establishment shall be given effect to in the following manner, namely--

(i) A roster of twenty vacancies will be necessary in give effect to the reservation of vacancies for the Scheduled Castes and the Scheduled Tribes. The roster given below shall be adopted for the purpose by each establishment.

1st	Vacancy	Scheduled Tribes (Plains)
2nd	Vacancy	Unreserved.
3rd	Vacancy	Scheduled Castes.
4th	Vacancy	Unreserved.
5th	Vacancy	Unreserved.
6th	Vacancy	Unreserved.
7th	Vacancy	Scheduled Tribes (Hills).
8th	Vacancy	Unreserved.
9th	Vacancy	Unreserved.
10th	Vacancy	Unreserved.
11th	Vacancy	Scheduled Tribes (Plains).
12th	Vacancy	Scheduled Castes.
13th	Vacancy	Unreserved.
14th	Vacancy	Unreserved.
15th	Vacancy	Unreserved.
16th	Vacancy	Unreserved.
17th	Vacancy	Unreserved.
18th	Vacancy	Unreserved.
19th	Vacancy	Unreserved.
20th	Vacancy	Unreserved.

Reservation points-

Scheduled Tribes (Plains) .. 1, 11

Scheduled Castes .. 3, 12

Scheduled Tribe (Hills) .. 7

(ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).

(iii) Before making an appointment by direct recruitment, the Appointing Authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after an appointment is made the particulars thereof shall be entered in the register and signed by the Appointing Authority.

(iv) The roster is a running account from year to year and shall be maintained accordingly. If recruitment in a particular year stop at a particular point of the cycle, say at the 4th point recruitment in the subsequent year shall begin at the next point i.e. at the 5th point.

(v) No gap shall be left in the roster in filling vacancies and if a reserved vacancy, say at the 5th point of the cycle, has for want of a qualified Scheduled Castes candidate to be treated as unreserved the candidate appointed shall be shown against the point. An attempt shall be made at this time of filling each successive unreserved vacancy to recruit a Scheduled Caste candidate but if a Scheduled Castes candidate can not still be found in the year in which the vacancy is filled the reservation shall be carried forward to the following year. The first unreserved vacancy in that year shall be reserved for Scheduled Castes in addition to any other vacancy available to them according to the cycle.

(vi) In the absence of a qualified Scheduled Castes/Scheduled Tribes candidate in a particular year, the vacancy shall be carried forward till the requisite percentage in that cadre is filled up.

(vii) The roster, shall be maintained separately for permanent and temporary vacancies.

(viii) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.

(ix) A candidate who claims to be a member of the Scheduled Castes or the Scheduled Tribes shall support his candidature by a Certificate from a Gazetted Officer or from such other authority as may be prescribed by rules made under the Act.

OFFICE MEMORANDUM

GOVERNMENT OF ASSAM DEPARTMENT FOR WELFARE OF PLAINS TRIBES & BACKWARD CLASSES

No. TAD/OBC/141/91/60 Dated Dispur, the 30th June, 1993

Sub: Representation of Other Backward Classes and More Other Backward Classes in Public Services and Public Sector Undertakings.

After due consideration and keeping in view the maintenance of efficiency of the Administration and to provide adequate representation in the services to the Other Backward Classes (Other Backward Classes including More Other Backward Classes) who are not adequately represented in services, the Governor of Assam, in pursuance of Articles 16 of the Constitution of India have been pleased to order reservation of 15% of vacancies in all posts under the State and in services connected with the affairs of the State and its Public Sector Undertakings for members of the Other Backward Classes (Other Backward Classes including More Other Backward Classes), vide Personnel Departments O.M. No. ABP. 338/83/14, dt. 4-1-84. To ensure proper implementation/ of the order for reservation for the members of the notified Other Backward Classes/More Other Backward Classes in direct recruitment to services and posts in an establishment under the Government of Assam and its public sector Undertakings the Government of Assam have now decided to adopt a roster of 20 (twenty) vacancies for giving effect the reservation of vacancies for the Other Backward Classes/More Other Backward Classes as below:

The roster shall be adopted for the purpose of direct recruitment by each establishment for each cadre of below :

Roster Points :

1st	Vacancy --	Reserved for ST(P) under	Assam SC & ST (RVSP) Act. 1978
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2nd	Vacancy --	OBC/MOBC	
3rd	Vacancy --	SC	--do--
4th	Vacancy --	Unreserved	
5th	Vacancy --	Unreserved	
6th	Vacancy --	Unreserved	
7th	Vacancy --	ST(H)	--do--
8th	Vacancy --	OBC/MOBC	
9th	Vacancy --	Unreserved	
10th	Vacancy --	Unreserved	
11th	Vacancy --	Reserved for ST(P) under	Assam SC & ST (RVSP) Act. 1978
12th	Vacancy --	SC	--do--
13th	Vacancy --	Unreserved	
14th	Vacancy --	Unreserved	
15th	Vacancy --	OBC/MOBC	
16th	Vacancy --	Unreserved	
17th	Vacancy --	Unreserved	
18th	Vacancy --	Unreserved	
19th	Vacancy --	Unreserved	
20th	Vacancy --	Unreserved	

Reservation Points:

ST(P)- 1, 11 ST(H) - 7

SC - 3, 12 OBC - 2, 8, 15.

A Register shall be maintained separately for each cadre in each establishment for giving effect to the Roster prescribed above.

The Roster is a running account of vacancies from year to year and shall be maintained accordingly. No gap shall be left in the roster in filling vacancies and if sufficient number of suitable candidates for filling up the reserved vacancies is not available from the designated Other Backward Classes/ More Other Backward Classes of the people in a particular year then such of the vacancies which remained unfilled would be available to Others.

In the absent of qualified Other Backward Classes & More Other Backward Classes candidates in a particular year the vacancies shall be carried forward till the requisite percentage in that of cadre is filled up.

A candidate who claimed to be a member of Other Backward Classes and More Other Backward Classes shall support his candidature by a certificate from the Competent Authority.

These instructions shall come into force with immediate effect. All Appointing Authorities under/Government of Assam and Public sector Undertakings will strictly follow the instruction and any departure or failure should be promptly reported by Administrative Departments to WPT and BC Department.

Sd./- A. Perti,

Secretary to the Govt. of Assam, WPT & BC Department.