

# **The Assam Districtwise Population Pattern Reflection in Services (In Class III and Class IV Posts) Act, 1994**

ASSAM

India

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### **Act 29 of 1994**

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The Assam Districtwise Population Pattern Reflection in Services (In Class III and Class IV Posts) Act, 1994 Assam Act No. 29 of 1994 Last Updated 11th February, 2020 Published in the Assam Gazette, Extraordinary, dated 7-5-1994, pages 768-772. [Received the assent of the Governor on 6th May, 1994] An [Act] [The Act has come into force with effect from 1st August, 1994, vide Notification No. ABP. 255/91/262, 1-8-1994 [A.G. Extraordinary No. 15, dated 30-1-1995].] 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 post 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 suitable 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:

### **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 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 recruitment to which are made through the Commission or otherwise.

### **4. Principle of appointment.**

(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.

### **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 districtwise 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 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 of 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 purposes 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 provisions 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 take appropriate measures accordingly.

## **10. Repeal and saving.**

(1) Assam Districtwise Population Pattern Reflection in Services (Class III and Class IV posts) Ordinance, 1994 (Assam Ordinance No. 1 of 1994) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the ordinance so repealed shall be deemed to have been done or taken under the corresponding provision of this Act.