

**ASSAM SCHEDULE CASTE AND SCHEDULED TRIBES
(RESERVATION OF VACANCIES IN SERVICE
AND POSTS) ACT 1978**

**DEPARTMENT FOR WELFARE OF PLAINS TRIBES AND
BACKWARD CLASSES ETC.**

The 28th July 1983

No.TAD/Pt./565/76.—The following Rules of the Welfare of Plains Tribes and Backward Classes Department, is hereby published in the official Gazette for general information and shall come into force with effect from the date of issue of this notification.

No.TAD/Pt./565/76.—In exercise of the powers conferred by Section 13 of the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978 (Assam Act, XII of 1979), the Governor of Assam is pleased to make the following rules:—

1. Short title commencement and application.—(1) These rules may be called, the "Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1983."

(2) They shall come into force with effect from the date of this notification.

(3) These rules shall be applicable to all the establishments defined in sub-sections (b) (c) and (d) of Section 2 of the Act with the following exceptions:—

(i) Exceptions as mentioned in Section 3 of the Act; and

(ii) Posts as may be exempted by Government under Section 6 of the Act by issuing notification in the Assam Gazette.

2. Definitions.—(1) In these Rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978;

(b) "Government" means the Government of Assam.

(c) "Candidates belonging to Scheduled Castes and Scheduled Tribes" means the candidates possessing their favour certificates to that effect issued by the authorities as mentioned in Rule 3.

Provided that in case of promotion the term would mean the candidates belonging to Scheduled Castes and Scheduled Tribes who apart from possessing the requisite Certificate shall also fall within the zone of promotion and whose names appear in the list of candidates submitted by the Department concerned in accordance with the relevant service rules or instructions of the State Government issued from time to time.

(2) Other terms as used in these rules shall have the same meanings as contained in the Act.

3. (1) (a) In case of Scheduled Castes candidate.—Scheduled Caste M.L.As and Scheduled Caste M.P.s and Members of the Advisory Council for Welfare of Scheduled Castes are authorised to issue Caste Certificate within the jurisdiction of the District which they represent and the Chairman of the Subdivisional Scheduled Castes Development Boards within the jurisdiction of the Subdivisions concerned, and the President and Vice-Presidents of the Asom Anusuchit Jati Parishad and the Presidents of different Districts and Subdivisions of the Asom Anusuchit Jati Parishad are authorised to issue Caste Certificate within the Jurisdiction of the District/Subdivisions concerned.

(b) In case of Scheduled Tribes candidate:—Scheduled Tribes M.L.As, Scheduled Tribes M.P.s, and Members of the Advisory Council for the Welfare of Scheduled Tribes, Presidents and Vice-Presidents of the All Assam Tribal Sangha and District Units of the All Assam Tribal Sangha and the Chairman of the Integrated Tribal Development Project Implementation Committees and the Subdivisional Tribal Development Boards are authorised to issue Caste Certificates. Also the Presidents of the Districts Tribal Sangha and the Chairman of the Integrated Tribal Development Project Implementation Committees and the Subdivisional Tribal Development Boards are authorised to issue Caste Certificates within the Jurisdiction of the Subdivisions concerned the Scheduled Tribes M.L.As, and M.P.s, are similarly authorised to issue Caste Certificates within the jurisdiction of their respective Districts. The President and Vice-Presidents of the All Assam Tribal Sangha are authorised to issue Caste Certificates in respect of the entire State.

(2) The Certificate so issued except by M.L.As, and M.P.s, shall be countersigned by the Deputy Commissioner, or the Subdivisional Officer of the concerned Districts/Subdivisions of which the candidate is a resident.

(3) The Certificate, as mentioned herein above, shall be in the form as in Appendix-I.

4. Direct recruitment through APSC or Selection Committee Board.—While filling up vacancies by direct recruitment on the basis of recommendation of the Assam Public Service Commission or the Selection Committee/ Board as the case may be, the following procedure shall be followed:

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(1) While making a request to the Assam Public Service Commission or to the Selection Committee/Board for recommending candidates for direct recruitment, the appointing authority shall also furnish the information about the reservations in favour of candidates belonging to Scheduled Castes and Scheduled Tribes (Hills) and Scheduled Tribes (Plains).

(2) The Assam Public Service Commission or the Selection Committee/Board, as the case may be, shall furnish its recommendation about such number of candidates as provided in the respective service rules. In case, however, where there is no service rule, the Assam Public Service Commission or the Selection Committee/Board, as the case may be, shall recommend such number of candidates as are equal to double the number of vacancies, in order of preference for the appointment.

(3) The Assam Public Service Commission or the Selection Committee/Board shall furnish to the appointing authority separate lists of candidates recommended by it, namely, one in respect of Scheduled Castes, Scheduled Tribes (Hills), Scheduled Tribes (Plains) and another for others for the appointment against the vacancies shown as reserved for the candidates belonging to Scheduled Castes, Scheduled Tribes (Hills), Scheduled Tribes (Plains) and against the unreserved vacancies. Separate combined list in order of preference shall also be furnished by the Assam Public Service Commission or the Selection Committee/Board, as the case may be.

(4) The appointing authority shall make the appointments in accordance with the positions indicated in Clause (f) of the Scheduled roster, candidates belonging to reserved vacancies as shown in the said Tribes (Hills) and Scheduled Tribes (Plains) and Scheduled Tribes (Plains) below the specified number of vacancies shall be appointed in order of preference as shown in the list.

(5) The seniority of the candidate so appointed shall be determined in order of preference shown in the combined list furnished by the Assam Public Service Commission or by the Selection Committee/Board.

(6) In case of non-availability of adequate number of candidates belonging to Scheduled Castes and Scheduled Tribes (Hills) and Scheduled Tribes (Plains) for the appointment to fill up all the reserved vacancies, the appointing authority shall arrange to re-advertise for such class of candidates only to fill up the unfilled reserved vacancies. If in the second advertisement also Scheduled Castes and Scheduled Tribes (Hills) and Scheduled Tribes (Plains) are not available for the appointment to fill up all the reserved vacancies, the appointing authority with the prior concurrence of the Department for the Welfare of Plains Tribes and Backward Classes shall issue orders de-reserving the vacancies giving due explanation for the de-reservation, if it considers that the reserved vacancies

cannot be left unfilled in the public interest. The reserved vacancies so dereserved shall then be filled up by appointing other candidates in order of preference as indicated in the list.

(7) Any vacancy dereserved in accordance with the procedure laid down in sub-rule (6) above shall be filled up by general candidate, but the reservation shall be carried forward to the subsequent cases of appointments, till the reservation quota is filled up by appointing Scheduled Castes or Scheduled Tribes (Hills) and Scheduled Tribes (Plains) candidates, in whose favour the reservation stood in the roster.

(8) If any post falls vacant due to resignation or death or any other cause, of any Scheduled Castes or Scheduled Tribes (Hills) or Scheduled Tribes (Plains) persons who was appointed under Rule 4, it shall be filled up only by the candidates belonging to the Scheduled Castes, Scheduled Tribes (Hills), Scheduled Tribes (Plains), as the case may be.

5. Promotion by Selection.—While filling up vacancies by promotion the following procedure shall be followed:—

(1) The Appointing authority while making a request to the Selection Committee/Board for recommending candidates for promotion, shall communicate to the Selection Committee/Board the details about the reservation for the Scheduled Castes and Scheduled Tribes (Hills) and Scheduled Tribes (Plains) and shall also furnish the details about such number of candidates as are to be furnished in accordance with the provisions of the respective service rules. In case, however, where there is no service rules for the service in which the promotion is to be made, the appointing authority will furnish the details about the candidates equal to four times the number of vacancies.

(2) The Selection Committee/Board will consider the suitability of all the candidates the details of whom are furnished by the appointing authority and recommend a list of candidates found suitable for promotion in order of preference, which shall be the determining factor about the inter-se-seniority of the candidates after promotion.

(3) In addition to the list mentioned in sub-rule (2) above, the Selection Committee shall furnish separate list of candidates belonging to Scheduled Castes, Scheduled Tribes (Hills), Scheduled Tribes (Plains) and others, in order of preference for appointment against the vacancies shown as reserved for Scheduled Castes and Scheduled Tribes (Hills) and Scheduled Tribes (Plains) and against the unreserved vacancies.

(4) The appointing authority shall consider the list in accordance with the provisions of the respective service rules and shall also consult the Assam Public Service Commission where such consultation is necessary, and shall finally approve the list.

(5) The appointing authority shall thereafter make promotions in accordance with the roster provided in Clause (i) of the Scheduled to the Act in Order of preference indicated in the lists.

(6) In case of non-availability of adequate number of candidates belonging to Scheduled Castes and Scheduled Tribes (Hills) and Scheduled Tribes (Plains) in the list mentioned in sub-rule (2) and (3) of this rule and if it is considered that the vacancies reserved for these categories of candidates cannot be left vacant in the interest of Public Service, the appointing authority with prior concurrence of the Department for the Welfare Plains Tribes and Backward Classes shall issue orders dereserving the vacancies giving one explanation for the dereservation, and shall thereafter fill up the dereserved vacancies by promoting officers from the list furnished by the Selection Committee/Board and approved by the Assam Public Service Commission/appointing authority in order of preference. The vacancy so dereserved shall be carried forward till the vacancy is filled up by a candidate in whose favour the reservation stood in the roster.

(7) If any post falls vacant due to retirement or resignation or death or any other cause, of Scheduled Castes, Scheduled Tribes (Hills), Scheduled Tribes (Plains) person who was promoted under the above clauses of Rule 5, it shall be filled up only by the candidates belonging to the Scheduled Castes, Scheduled Tribes (Hills), Scheduled Tribes (Plains) as the case may be.

6. Maintenance of Registers of appointment.—Every appointing authority shall maintain the register as mentioned in Section 12(i) of the Act and also in para (ii) of the Scheduled to the Act in respect of every year beginning on the first March and ending on the last day of February in the next year, in the proforma furnished at Appendix-II, separately for direct recruitment and for promotion.

7. Submission of Annual Reports.—An annual report showing the position regarding appointment of candidates belonging to Scheduled Castes Scheduled Tribes by direct recruitment and by promotion shall be submitted by each administrative Department to Department for the Welfare of Plains Tribes and Backward Classes in the manner prescribed herein below:—

(1) The annual report shall be for the period from the first day of March to the last day February next.

(2) As soon after the first day of March every year as possible, every appointing authority shall send to the respective administrative Department:—

- (i) a Statement in the form given in Appendix-III, showing the total number of employees in each class of service indicating the number of employees belonging to the Scheduled Castes and Scheduled Tribes; and

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(ii) a Statement each in the proforma given in Appendix-IV-A and Appendix-IV-B, showing the particulars of appointments made during the year and the number of appointees belonging to Scheduled Castes and Scheduled Tribes.

(3) The administrative Department shall consolidate all the reports submitted by different appointing authority under its administrative control and submit the report as provided in the substantive clause of this rule.

8. Interpretation.—If any doubt arises in regard to the interpretation of any rule, sub-rule or clause contained in these rules, the matter shall be referred to the Government and the interpretation given by the Government shall be final.

By order of the Governor.

U. C. SARANIA,
Secretary to the Government of Assam,
Deptt. for Welfare of P.T. & B.C. etc.

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APPENDIX I

[Rule 3(2)]

Form of Caste Certificate

This is to certify that Shri/Shrimati/Kumari
.....son/wife/daughter of.....
.....in district/Subdivision.....
of the State..... belongs to the.....
Caste/Tribe which is recognised as a Scheduled Caste/Schedule Tribe
under the Constitution (Schedule Castes) Order, 1950 the Constitution
(Schedule Tribes) Order, 1950 as amended from time to time.

2. Shri/Shrimati/Kumari.....
and his/her family ordinarily reside(s) in Village/Town.....
.....of..... District/Subdivision
of the State.

Place.....

Date

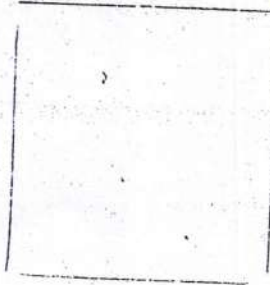
Signature

Designation

(with seal of Office)

State

PHOTOGRAPH
(with signature across
the photograph)



Please delete the words which are not applicable.

Note:—The terms "Ordinarily resides" used here will have the same
meaning as in Section 20 of the Representation of the Peoples
Act, 1950.

Secretary to the Government of Assam,
Deptt. for Welfare of P. T. & B. C. etc.

APPENDIX II

(Rule 6)

Register of appointments by direct recruitment/promotion.

1. Name of Department:—
2. Name of the Office:—
3. Designation of the appointing authority:—
4. No. of posts to be filled up by direct recruitment/promotion during the year:—

Class of service	Name of post	Scale of pay	Total No. of posts	No. of posts reserved for		
				SC	ST(H)	ST(P)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

No. of vacancies de-reserved but originally reserved for			Total No. of posts for		
SC	ST(H)	ST(P)	SC	ST(H)	ST(P)
(8)	(9)	(10)	(11)	(12)	(13)

5. No. of vacancies de-reserved upto the end of previous year:—
6. Total cadre strength in respect of each category of posts:—
7. Appointments against reserved vacancies during the year:—

Point of roster	Reserved for			Name of the candidate appointed and his sub-caste or sub-tribe
	SC	ST(H)	ST(P)	
(1)	(2)	(3)	(4)	(5)

Date of appointment	Whether the point of roster is de-reserved and if so the reasons therefor	Signature of the appointing authority
(6)	(7)	(8)

Note:—1. There should be separate registers for direct recruitment and for promotion.

2. S. C.—Schedule Caste, S. T. (H)—Scheduled Tribes (Hills), S. T. (P)—Scheduled Tribes (Plains).

APPENDIX III

[Rule—(72)(ii)]

Annual Statement showing the total number of Government Servants the number of Scheduled Castes and Scheduled Tribes amongst them as on the last day of February of the year.....

Name of the Department:—

Name and address of the Office:—

Class	Permanent/ Temporary	Total Num- ber of employees	Number of Scheduled Castes in- dicating Sub-Castes	Percentage of Schedu- led Castes to the total employees	Number of Scheduled Tribes (Plain) indicating Sub-Tribes	Percentage of Schedu- led Tribes (Plains) to the total employees	Number of Scheduled Tribes (Hills) indicating Sub-Tribes	Percentage of Schedu- led Tribes (Hills) to the total employees
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Class—I	Permanent							
	Temporary							
Class—II	Permanent							
	Temporary							
Class—III	Permanent							
	Temporary							
Class—IV	Permanent							
	Temporary							

APPENDIX IV (B)
[Rule 7 (2) (ii)]

Annual Return for the year

Name of the Department

Name and Address of the Office

Direct Recruitment/Promotion

Category of post	Total No. of vacancy reserved	Total No. of vacancy actually filled up	No. of vacancy reserved for Scheduled Caste	No. of vacancy actually filled up by Scheduled Caste	No. of vacancy reserved for Scheduled Tribes (Plains)	No. of vacancy actually filled up by Scheduled Tribes (Plains)	No. of vacancy reserved for Scheduled Tribes (Hills)	No. of vacancy actually filled up by Scheduled Tribes (Hills)	Remarks Reasons for short fall if any
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
From Class IV to Class III.									
Within Class III									
From Class III to Class II									
Within Class II.									
From Class II to Class I									
Within Class I									