

ASSAM ACT NO. XXIX OF 2005

(Received the assent of the Governor on 13th May, 2005)

**The Assam Women (Reservation Of Vacancies In Services And Posts) ACT, 2005
AN ACT**

To provide for reservation of vacancies in services and posts for woman in the State of Assam.

Preamble

Whereas woman in the State of Assam are both socially, educationally and economically backward and are not adequately represented in the services and posts within the State of Assam ;

And whereas it is expedient to provide for reservation of vacancies in services and posts in order to bring them at par with men.

It is hereby enacted in the Fifty sixth Year of the Republic of India as follows :-

Short title, extent and commencement.

1. (1) This Act may be called The Assam Women (Reservation of Vacancies in Services and Posts) Act, 2005.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

Definitions

2. 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 posts ;

(b) "Establishment" 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, 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.

Act not to apply in relation to certain employments.

3. This Act shall not apply in relation to -

(a) any employment under the Central Government ;

(b) any employment in the Assam Judicial Service Grade-1.

Reservation for women in vacancies to be filled up by direct recruitment.

4. At the commencement of this Act, 30 percent of the vacancies in respect of all appointments to the services and posts in the establishment which are to be filled up by direct recruitment shall be reserved for the women candidates :

Provided that the aforesaid reservation shall be inclusive of the reservation provided statutorily or otherwise to the Scheduled Castes, Scheduled Tribes (Plains), Scheduled Tribes (Hills), Other Backward Classes, More Other Backward Classes and persons with disabilities within the respective reserved category :

Provided further that 30 percent reservation of the vacancies in respect of the Women for the remaining unreserved Category of candidates shall be available to the Women of unreserved category only.

Power to exempt.

5. If the State Government is of the opinion that it is not necessary to reserve certain specialized services and posts for Women in view of the specialized qualification or experience required in respect of such services and posts, the State Government may, by notification in the Official Gazette, exempt such services and posts from the purview of this Act.

Penalty

6. If any Appointing Authority makes an appointment in contravention of the provision of section 4, he shall be liable to be punished with fine which may extend to rupees one thousand and the State Government may also draw up disciplinary proceeding against him and after giving him a reasonable opportunity of being heard, may inflict such punishment as may deem fit and proper as per the Assam Services (discipline and Appeal) Rules 1964.

Cognizance of offences

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

Protection of action taken in good faith.

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

Removal of difficulty.

9. If any difficulty arises in giving effect to the provisions of this 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.

Submission of annual report maintenance of other records and inspection thereon.

10. (1) The 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 annually a report of appointments made by it in the previous financial year.

(2) Any officer authorized by the State Government in this behalf may inspect any records or documents which are maintained in relation to appointment 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 authorized 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.

The State Government to make rules.

11. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) Every rules made under this section shall be laid, as soon as may be after it is made before the State Legislature, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the sessions immediately following the session or the successive sessions aforesaid, the State Legislature agree in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be :

Provided however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

M.K. Deka,
Commissioner & Secy. to the Govt. of Assam,
Legislative Department, Dispur.