

The Uttar Pradesh Public Services (Reservation for Scheduled Castes,
Scheduled Tribes and other Backward Classes) Act, 1994

Act 4 of 1994

Keyword(s):

Other Backward Classes of Citizens, Year of Recruitment

Amendments appended: 21 of 2001, 1 of 2002, 1 of 2013

No. 488(2)/XVII-V-1-1(KA)6-1994

Date Lucknow, March 23, 1994

IN pursuance of the provisions of clause(3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan-Jatiyon Aur Anya Pichhrt Vargon Ke Liye Arakshan) Adhiniyam, 1994 (Uttar Pradesh Adhiniyam Sankhya 4 of 1994) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 22, 1994.

THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION FOR SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES) ACT, 1994

(U. P. Act no 4 of 1994)

(As passed by the U. P. Legislative Assembly)

AN
ACT

to provide for the reservation in public Services and posts in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Forty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994.

(2) It shall be deemed to have come into force on December 11, 1993.

Short title and commencement

Amended
by 21/2001
1/2002
29/2001
45/2007

2. In this Act,—

Definitions

(a) "appointing authority" in relation to public services and posts means the authority empowered to make appointments in public services or posts;

Subs by 1/02
 (b) "other backward classes of citizens" means the backward classes of citizens specified in Schedule I;

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 po:

(b-1) "more backward classes of citizens" means the backward classes of citizens specified in Part-B of Schedule I;

(b-2) "most backward classes of citizens" means the backward classes of citizens specified in Part-C of Schedule I;

(b-3) "other backward classes of citizens" means the backward classes of citizens, more backward classes of citizens and most backward classes of citizens."

(c) "State-owned company" means a company in which not less than fifty per cent of the paid up share capital is held by the State Government;

(iv) an educational institution owned and controlled by the State Government or which receives grants in aid from the State Government, including a university established by or under a Uttar Pradesh Act, except an institution established and administered by minorities referred to in clause (1) of Article 30 of the Constitution;

(v) respect of which reservation was applicable by Government orders on the date of the commencement of this Act and which are not covered under sub-clauses (i) to (iv);

(d) "year of recruitment" in relation to a vacancy means a period of twelve months commencing on the first of July of a year within which the process of direct recruitment against such vacancy is initiated.

Subs by 1/02
 (1) In public services and posts, there shall be reserved at the stage of direct recruitment, the following percentage of vacancies to which recruitments are to be made in accordance with the roster referred to in sub-section (5) in favour of the persons belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes of citizens.—

(a) in the case of Scheduled Castes	Twenty one per cent;
(b) in the case of Scheduled Tribes	Two per cent;
(c) in the case of other Backward Classes of citizens	Twenty seven per cent;

Provided that the reservation under clause (c) shall not apply to the category of other Backward Classes of citizens specified in

Subs by 21/02
1/02

Omitted by 1/02 *Omitted 1/02*

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(5) The State Government shall for applying the reservation under sub-section (1), by a notified order, issue a roster comprising the total cadre strength of the public service or post indicating therein the reserve points and the roster so issued shall be implemented in the form of a running account from year to year until the reservation for various categories of persons mentioned in sub-section (1) is achieved and the operation of the roster and the running account shall, thereafter, come to an end, and when a vacancy arises thereafter in public service or post the same shall be filled from amongst the persons belonging to the category to which the post belongs in the roster."

category to which the post belongs in the roster."

Responsibility and powers for compliance of the Act

4. (1) The State Government may, by notified order, entrust the appointing authority or any officer or employee with the responsibility of ensuring the compliance of the provisions of this Act.

(2) The State Government may, in the like manner, invest the authority or officer or employee referred to in sub-section (1) with such powers or authority as may be necessary for ensuring the compliance of the provisions of this Act.

Per

(1) The Chairman, Vice-Chairman or every other Member shall hold office for a term of three years from the date he assumes office:

Provided that no Chairman, Vice-Chairman or other Member shall hold office as such after he has attained the age of sixty-five years:

Provided further that the Chairman shall not be eligible for re-appointment as such after he has attained the age of sixty-five years:

(1-A) The provisions of sub-section (1) as amended by the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Act, 1993 shall apply also to the Chairman, Vice-Chairman and every other Member holding office immediately before the commencement of the said Act.

Power to call for records

(1-B) The Chairman, Vice-Chairman or other Member, who has attained the age of sixty-five years, on or before the commencement of the Act referred to in sub-section (1-A), shall cease to hold office as such on such commencement. The State Government may, by order, provide for nomination of officers for giving representation to the Scheduled Castes, Scheduled Tribes, and other backward classes of citizens in the Selection Committee to such extent and in such manner as it may consider necessary where such Committee is constituted either under the service rules or otherwise.

Representation in Selection Committee

Concession and relaxation

8. (1) The State Government may, in favour of the categories of persons mentioned in sub-section (1) of section 3, by order, grant such concessions in respect of fees for any competitive examination or interview and relaxation in upper age limit, as it may consider necessary.

(2) The Government orders in force on the date of the commencement of this Act, in respect of concessions and relaxations, including concession in fees for any competitive examination or interview and relaxation in upper age limit and those relating to reservation in direct recruitment and promotion, in favour of categories of persons referred to in sub-section (1), which are not in consistent with the provisions of this Act, shall continue to be applicable till they are modified or revoked, as the case may be.

Caste certificate

9. For the purposes of reservation provided under this Act, caste certificate shall be issued by such authority or officer and in such manner and form as the State Government may, by order, provide.

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10. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty.

Removal of difficulties

11. No suit, prosecution or other legal proceedings shall lie against the State Government or any person for anything which is in good faith done or intended to be done, in pursuance of this Act or the rules made thereunder.

Protection of action taken in good faith

12. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Power to make rules

13. The State Government may, by notification, amend the Schedules and upon the publication of such notification in the *Gazette*, the Schedules shall be deemed to be amended accordingly.

Power to amend the Schedules

14. Every order made under sub-section (5) of section 3, sub-sections (1) and (2) of section 4 and section 10 and every notification issued under section 13 shall be laid, as soon as may be, before both the Houses of State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act,

Laying of Orders etc.

15. (1) The provisions of this Act shall not apply to cases in which selection process has been initiated before the commencement of this Act and such cases shall be dealt with in accordance with the provisions of law and Government orders as they stood before such commencement.

Savings

Explanation : For the purposes of this sub-section the selection process shall be deemed to have been initiated where, under the relevant service rules, recruitment is to be made on the basis of—

(i) written test or interview only, the written test or the interview, as the case may be, has started, or

(ii) both written test and interview, the written test has started.

(2) The provisions of this Act shall not apply to the appointment, to be made under the Uttar Pradesh Recruitment of Dependent of Government Servant Dying in Harness Rules, 1974.

16. (1) The Uttar Pradesh Public Services (Reservation for Backward Classes) Act, 1989, the Uttar Pradesh Public Services (Reservation for Scheduled Castes and Scheduled Tribes) Act, 1993 and the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward classes) Ordinance, 1994 are hereby repealed.

Repeal savings

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Acts and the ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act as if the provisions of this Act were in force at all material times.

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SCHEDULE—I
[See SECTION 2(6)]

Subs by 2/01

- | | |
|---|--|
| 1. Ahir | 29. Naik |
| 2. Arakh | 30. Faqir |
| 3. Kachchi | 31. Banjara |
| 4. Kahar | 32. Barhai |
| 5. Kewat or Mallah | 33. Bari |
| 6. Kisan | 34. Beragi |
| 7. Koeri | 35. Bind |
| 8. Kumhar | 36. Biyar |
| 9. Kurmi | 37. Bhar |
| 10. Kamboj | 38. Bhurji or Bharbhunja |
| 11. Kasgar | 39. Bhathiara |
| 12. Kunjra or Raen | 40. Mali, Saini |
| 13. Gosain | 41. Manihar |
| 14. Gujar | 42. Murao or Murai |
| 15. Gadariya | 43. Momin (Ansar) |
| 16. Gaddi | 44. Mirasi |
| 17. Giri | 45. Muslim Kayastha |
| 18. Chikwa (Qassab) | 46. Naddaf (Dhuniya), Mansoori |
| 19. Chhippi | 47. Marchcha |
| 20. Jogi | 48. Rangrez |
| 21. Dhafali | 49. Lodh, Lodha, Lodhi, Lot, Lodhi-Rajput. |
| 22. Jhoja | 50. Lohar |
| 23. Tamoli | 51. Lonia |
| 24. Teli | 52. Sonar |
| 25. Darzi | 53. Sweeper (Those not included in Scheduled Castes category.) |
| 26. Dhiver | 54. Halwai. |
| 27. Naqqal | 55. Hajjam (Nai) |
| 28. Nat (Those not included in Scheduled Castes category) | |

SCHEDULE—II

[See SECTION 3 (b)]

1. Son or daughter of—

(a) a member of Indian Administrative Service, Indian Foreign Service, Indian Police Service, Indian Forest Service or other Central Service whether directly recruited or promoted from any State Service; or

(b) a member of Uttar Pradesh Civil Service (Executive Branch), Uttar Pradesh Police Service or other State Service, who has been directly recruited to such Service; or

(c) such Group A/Class I officer of any Department or Ministry of Government of India or educational, research or other institutions under such Department or Ministry, who is not included in sub-category (a); or

(d) such Group A/Class I officer of any Department or institution of the State Government, who is not included in sub-category (b); or

(e) an officer of the defence forces or para military forces who is not below the rank of a Colonel or equivalent rank:

Provided that the income from salary of such member or service or officer is Rupees ten thousand or more per mensem, his spouse is at least a graduate and he or his spouse owns a house in an urban area.

2. Son or daughter of a person engaged in profession as a doctor, surgeon, engineer, lawyer, architect, Chartered Accountant, media and information professional, management

and other consultant, film artist and other film professional, running educational institution or coaching institute or engaged in the business as share or stock broker or in entertainment business :

Provided that his average income from all sources for three consecutive financial years is not less than rupees ten lakh per annum, his spouse is atleast a graduate and his family owns immovable property worth atleast rupees twenty lakh.

3. Son or daughter of a business man whose average income for three consecutive financial years is not less than rupees ten lakh per annum, his spouse is atleast a graduate and his family owns immaovable property worth atleast rupees twenty lakh.

4. Son or daughter of an industrialist whose level of investment in running units is over rupees ten crore and such units are engaged in commercial production for atleast five years and his spouse is atleast a graduate.

5. Son or daughter of a person who has holding within the limit fixed under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, has an income of rupees ten lakh in a financial year from sources other than agriculture such as salary, business or ndustry and the like and his spouse is atleast a graduate.

6. Son or daughter of a person, not included in any of the aforementioned categories, whose average income from all sources for three consecutive financial years is not less than rupees ten lakh per annum, his spouse is atleast a graduate and his family owns immovable property worth at least rupees twenty lakh.

By order,
N. K. NARANG,
Sachiv.

No. 2460 (2)/XVII-V-1—1 (KA)-33-2001

Dated Lucknow, October 6, 2001

IN pursuance of the provision of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan-Jatiyon Aur Anya Pichhre Vargon Ke Liye Arakshan) (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 21 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001.

THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION FOR SCHEDULED
CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES)

(AMENDMENT) ACT, 2001

(U.P. Act No. 21 of 2001)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows:—

Short title

1. (1) This Act may be called the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Act, 2001.

(2) It shall be deemed to come into force on September 15, 2001.

Amendment of
section 2 of U.P.
Act no. 4 of
1994.

2. In section 2 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994, hereinafter referred to as the principal Act, for clause (b), the following clauses shall be *substituted*, namely :—

“(b) ‘backward classes of citizens’ means the backward classes of citizens specified in Part-A of Schedule I ;

(b-1) 'more backward classes of citizens' means the backward classes of citizens specified in Part-B of Schedule I;

(b-2) 'most backward classes of citizens' means the backward classes of citizens specified in Part-C of Schedule I;

(b-3) 'other backward classes of citizens' means the backward classes of citizens, more backward classes of citizens and most backward classes of citizens."

3. In section 3 of the principal Act, for sub-sections (1), (2), (3), (4) and (5) the following sub-sections shall be *substituted*, namely :— Amendment of section 3

"(1) In public services and posts, there shall be reserved at the stage of direct recruitment, the following percentages of vacancies to which recruitments are to be made in accordance with the roster referred to in sub-section (5) in favour of the persons belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens,—

(a) in the case of Scheduled Castes specified in Part-A of Schedule-III	ten per cent ;
(b) in the case of Scheduled Castes specified in Part-B of Schedule-III	eleven per cent ;
(c) in the case of Scheduled Tribes	one per cent ;
(d) in the case of backward classes of citizens	five per cent ;
(e) in the case of more backward classes citizens	nine per cent ;
(f) in the case of most backward classes of citizens:	fourteen per cent;

Provided that the reservation under clauses (d), (e) and (f) shall not apply to the category of other backward classes of citizens specified in Schedule II.

(2) The reservation of vacancies for all categories of persons mentioned in sub-section (1) shall not exceed, in any year of recruitment fifty per cent of the total vacancies of that year as also fifty per cent of the cadre strength of the service to which the recruitment is to be made.

(3) If, in any year of recruitment, suitable candidates belonging to,—

(a) the Scheduled Castes specified in Part-A of Schedule III are not available to fill the vacancies reserved for them, such vacancies shall be filled by persons belonging to the Scheduled Castes specified in Part-B of the said Schedule ;

(b) the Scheduled Castes specified in Part-B of the said Schedule are not available to fill the vacancies reserved for them, such vacancies shall be filled by persons belonging to the Scheduled Castes specified in Part-A of the said Schedule ;

(c) the Scheduled Tribes are not available to fill the vacancies reserved for them, such vacancies shall be filled by persons belonging to the Scheduled Castes specified in Part-B of the said Schedule and if the persons belonging to such Scheduled Castes are also not available, such vacancies shall be filled by persons belonging to the Scheduled Castes specified in Part-A of the said Schedule.

(3-A) If in any year of recruitment, suitable candidates belonging to,—

(a) the most backward classes of citizens are not available to fill the vacancies reserved for them, such vacancies shall be filled by persons belonging to more backward classes of citizens and if the persons belonging to more backward classes of citizens are also not available, such vacancies shall be filled by persons belonging to backward classes of citizens ;

(b) the more backward classes of citizens are not available to fill the vacancies reserved for them, such vacancies shall be filled by persons belonging to most backward classes of citizens and if the persons belonging to most backward classes are also not available, such vacancies shall be filled by persons belonging to backward classes of citizens ;

(c) the backward classes of citizens are not available to fill the vacancies reserved for them, such vacancies shall be filled by persons belonging to most backward classes of citizens and if the persons belonging to most backward classes of citizens are also not available, such vacancies shall be filled by persons belonging to more backward classes of citizens.

(3-B) If, in respect of any year of recruitment any vacancy reserved for any category of persons under sub-section (1) remains unfilled even after recruitment made under sub-section (3) or sub-section (3-A), special recruitment may be made for such number of times as may be considered necessary to fill such vacancy from amongst the persons belonging to that category.

(4) Where, in respect of any year of recruitment, any vacancy reserved for any category of persons under sub-section (1), remains unfilled even after recruitment made under sub-section (3) or sub-section (3-A) or even after special recruitment under sub-section (3-B) such unfilled vacancy may be filled up in any succeeding year or years of recruitment as a separate class of vacancy and such class of vacancy shall not be considered together with the vacancies of the year of the recruitment in which it is being filled up, for the purpose of determining the ceiling of fifty percent reservation of the total vacancies of that year.

(5) The State Government shall for applying the reservation under sub-section (1), by a notified order, issue a roster comprising the total cadre strength of the public service or post indicating therein the reservation points and the roster so issued shall be implemented in the form of a running account from year to year until the reservation for various categories of persons mentioned in sub-section (1) is achieved, and the operation of the roster and the running account shall, thereafter, come to an end. As and when a vacancy arises, thereafter in a public service or post the same shall be filled from amongst the persons belonging to the category to which the post belongs in the roster."

4. For Schedule I and Schedule II to the principal Act, the following Schedules shall be substituted, namely :—

Substitution of
Schedule I and
Schedule II

“SCHEDULE-I

[See section 2 (b), (b-1) and (b-2)]

Part-A

1. Ahir, Yadav, Gwala, Yaduvanshiya

Part-B

1. Sonar, Sunar, Swarnkar

2. Jat

3. Kurmi, Chanau, Patel, Patanwar,
Kurmi-Mall, Kurmi-Seinthwar

4. Giri

5. Gujar

6. Gosain

7. Lodh, Lodha, Lodhi,
Lot, Lodhi-Rajput

8. Kamboj

Part-C

1. Arakh, Arakvanshiya

2. Kachchi, Kachchi-Kushwaha, Shakya

3. Kahar, Kashyap

4. Kewat, Mallah, Nishad

5. Kisan

6. Koeri

7. Kumhar, Prajapati

8. Kasgar

9. Kunjra or Raeen

10. Gareria, Pal, Vaghel

11. Gaddi, Ghoshi,

12. Chikwa, Qassab Qureshi, Chak

13. Chhippi, Chipa

14. Jogi

15. Jhoja

16. Dhafali

17. Tamoli, Barai, Chaurasia

18. Teli, Samani, Rogangar, Sahu, Raufiar,
Gundhi, Arrak

19. Darji, Idrisi, Kakutstha

20. Dhiver

21. Naqqal

22. Nat (Those not included in Scheduled Castes
category)

23. Naik

24. Faqir

25. Banjara, Ranki, Mukeri, Mukerani

26. Barhai, Saifi, Vishwakarma, Panchal,
Ramgadhiya, Jangir, Dhiman

27. Bari

28. Beragi

29. Bind

30. Biyar

31. Bhar, Raj-Bhar

32. Bhurji, Bharbhunja, Bhooj, Kandu,
Kashaudhan

33. Bhathiara

34. Mali, Saini

35. Sweeper (Those not included in Scheduled
Castes category), Halalkhor

36. Lohar, Lohar-Saifi

37. Lonia, Nonia, Gole-Thakur, Lonia-Chauhan

38. Rangrez, Rangwa

39. Marchcha

40. Halwai, Modanwal

41. Hajjam, Nai, Salmani, Savita, Sriwas

42. Rai Sikh

43. Sakka-Bhisti, Bhisti-Abbasi,

44. Dhobi (Those not included in the Scheduled
Castes or Scheduled Tribes category)

45. Kasera, Thathera, Tamrakar

46. Nanbai

47. Mirshikar	60. Gada
48. Shekh, Sarwari (Pirai), Peerahi	61. Tantawa
49. Mev, Mewati,	62. Joria
50. Koshta/Koshti	63. Patwa, Patahara, Patehara, Deovanshi
51. Ror	64. Kalal, Kalwar, Kalar
52. Khumra, Sangatarash, Hansiri	65. Manihar, Kacher, Lakhara
53. Mochi	66. Muraao, Murai, Maurya
54. Khagi	67. Momin (Ansar)
55. Tanwar Singharia	68. Muslim Kayastha
56. Katuwa	69. Mirasi
57. Mahegeer	70. Naddaf (Dhuniya), Mansoori, Kandere, Kadere, Karan (Kam)"
58. Dangi	
59. Dhakar	

"SCHEDULE-II

[See section 3 (1)]

I. CONSTITUTIONAL POSTS :—

Son or daughter of a person who is or has been,—

(a) the President of India ;

(b) the Vice President of India ;

(c) the Judges of the Supreme Court or High Courts ;

(d) the Chairman or Member of the Union Public Service Commission or the State Public Service Commission, the Chief Election Commissioner or the Comptroller and Auditor-General of India ;

(e) On any other constitutional post of like nature.

II. SERVICE CATEGORY :—

(A) Group A or Class I officers of the All India, Central and State Services (Direct Recruits)

Son or daughter of :—

(a) parents, both of whom are Group A or Class I officers ;

(b) parents, either of whom is a Group A or Class I officer ;

(c) parents, both of whom are Group A or Class I officers, but one of them dies or suffers permanent incapacitation ;

(d) parents, either of whom is a Group A or Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation, such as, the United Nations, the International Monetary Fund, World Bank, etceteras., for a period of not less than five years; and

(e) parents, both of whom are Group A or Class I officers and such parents die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation such as the United Nations, the International Monetary Fund, the World Bank etceteras for a period of not less than five years.

(B) Group B or Class II officers of the Central and State Services (Direct Recruits)

Son or daughter or :—

- (a) parents, both of whom are Group B or Class II officers ;
- (b) parents of whom only the father is a Group B or Class II officer and he gets into Group A or Class I at the age of forty year or earlier ;
- (c) parents, both of whom are Group B or Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation, such as, the United Nations, the International Monetary Fund, the World Bank etcetera for a period of not less than five years before such death or permanent incapacitation ;
- (d) parents of whom the father is a Group A or Class I officer (direct recruit or pre-forty promoted) and the mother is a Group B or Class II officer and the mother dies or suffers permanent incapacitation ; and
- (e) parents of whom the mother is a Group A or Class I officer (direct recruit or pre-forty promoted) and, the father is Group B or Class II officer and the father dies or suffers permanent incapacitation.

Explanation— For the purposes of this category it is clarified that the expression, “permanent incapacitation” means incapacitation which results in putting an officer out of service.

(C) Employees in Public Sector Undertakings :—

The criteria specified in sub-category (A) and (B) above shall apply *mutatis mutandis* to officers holding equivalent or comparable posts in Public Sector Undertakings, Banks, Insurance Organisation, Universities etceteras and also to equivalent or comparable posts and positions under private employment pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in category IV below shall apply to the officers in these institutions.

III—ARMED FORCE INCLUDING PARA MILITARY FORCES (Persons holding civil posts are not included)

Son or daughter of parents, either or both of whom are in the rank of Colonel and above in the Army or to equivalent posts in the Navy, the Air Force and Para Military Forces.

Explanation—For the purposes of this category the service ranks below Colonel of father and mother shall not be clubbed, together.

IV—PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY

The criteria specified in category VI below shall apply to—

(A) The persons engaged in profession as a doctor, lawyer, chartered accountant, Income-Tax consultant, dental surgeon, engineer, architect, film artist and other film professional, author, play-wright, sports persons, sport professional, media professional or any other vocations of like status; and

(B) The persons engaged in trade, business and industry.

Explanation — (i) Where the father is in any profession and the mother is in a Group B or Class II or lower grade employment, the criteria specified in category VI below shall apply only on the basis of the father's income and the mother's income shall not be clubbed with it.

(ii) where the mother is in any profession and the father is in a Group B or Class II or lower grade employment, the criteria specified in category VI below shall apply only on the basis of the mother's income and the father's income shall not be clubbed with it.

V-PROPERTY OWNERS**(A) Agricultural holdings :—**

Son or daughter of parents, either of whom together with his family, which includes self, his spouse and minor children, holds —

(a) only irrigated land which is equal to or more than Eighty five per cent of the statutory ceiling limit, or

(b) both irrigated and unirrigated land, where the irrigated land (having been brought to a Single type under a common denominator) is not less than forty per cent of the statutory ceiling limit for the irrigated land, the unirrigated land shall be converted into the irrigated land on the basis of the existing conversion formula and the irrigated area so computed shall be added to the actual area of the irrigated land and the total area so arrived at in terms of irrigated land is equal to or more than Eighty per cent of the statutory ceiling limit for irrigated land.

Explanation—The terms “statutory ceiling limit” and “conversion formula” shall be construed in accordance with the law relating to ceiling on the land holdings of that area in which the land in question is situated.

(B) Plantations :—

(1) Coffee, tea, rubber etceteras.

The criteria specified in the category VI below shall apply—

(2) Mango, citrus, apple etcetera.

The land of such plantations shall be deemed to be agricultural holding and the criteria specified under sub-category (A) above shall apply.

(C) Vacant land or buildings in urban area or urban agglomerations :—

The criteria specified in category VI below shall apply.

Explanation— For the purposes of this sub-category it is clarified that building may be used for residential commercial or industrial purpose and the like two or more such purposes.

VI—INCOME OR WEALTH CRITERIA

Son or daughter of:—

(a) the persons having gross annual income of rupees three lakhs or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act., 1957 for a period of three consecutive years ;

(b) the persons specified in categories I, II, III or V (A) who are not disentitled to the benefit of reservation but have income from other sources which will bring them within the criteria specified in sub-category (a) above.

Explanation— For the purposes of this category it is clarified that—

(i) Income from salaries or agricultural land shall not be clubbed;

(ii) the income criteria in terms of rupee shall be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.”

5. After Schedule II to the principal Act, the following Schedule shall be inserted, namely :—

Insertion of new
Schedule III

"SCHEDULE-III
[See Section 3 (3)]

Part A

1. Chamar, Dhusia, Jhusia, Jatava

Part B

- | | |
|--------------|----------------------------------|
| 1. Agariya | 34. Ghasiya |
| 2. Badhik | 35. Gond |
| 3. Badi | 36. Gual |
| 4. Baheliya | 37. Habura |
| 5. Baiga | 38. Hari |
| 6. Baiswar | 39. Hela |
| 7. Bajaniya | 40. Kalabaz |
| 8. Bajgi | 41. Kanjar |
| 9. Balahar | 42. Kapariya |
| 10. Balai | 43. Karwal |
| 11. Balmiki | 44. Khairaha |
| 12. Bangali | 45. Kharwar (excluding benbansi) |
| 13. Banmanus | 46. Khatik |
| 14. Bansphor | 47. Khorot |
| 15. Barwar | 48. Kol |
| 16. Basor | 49. Kori |
| 17. Bawariya | 50. Korwa |
| 18. Beldar | 51. Lalbegi |
| 19. Beriya | 52. Majhwar |
| 20. Bhantu | 53. Mazhabi |
| 21. Bhuiya | 54. Musahar |
| 22. Bhuyiar | 55. Nat |
| 23. Boria | 56. Pankha |
| 24. Chero | 57. Parahia |
| 25. Davgar | 58. Pasi, Tarmali |
| 26. Dhangar | 59. Patari |
| 27. Dhanuk | 60. Rawat |
| 28. Dharkar | 61. Saharya |
| 29. Dhobi | 62. Sanaurhiya |
| 30. Dom | 63. Sansiya |
| 31. Domar | 64. Shilpkar |
| 32. Dusadh | 65. Turaaiha." |
| 33. Gharami | |

Special provision
for pending
recruitments

6. The provisions of the principal Act, as amended by this Act, shall also apply in respect of such recruitments to public services and posts as are pending on the date of the commencement of this Act.

Explanation— For the purposes of this section,—

(a) a recruitment shall be deemed to be pending if in pursuance of that recruitment no appointment has been made before such commencement ;

(b) the expression “public services and posts” shall have the meaning assigned to it in the principal Act.

Repeal and
saving

7. (1) The Uttar Pradesh Public Services Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes, (Amendment) Ordinance, 2001 is hereby repealed.

U.P.
Ordinance
no. 18 of
2001

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in subsection (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 has been enacted to provide for the reservation in Public services and posts in favour of persons belonging to the Scheduled Castes, Scheduled Tribes and other backward classes of citizens and for matters connected therewith and incidental thereto. A review of the reservation policy showed that persons belonging to some of the Scheduled Castes and backward classes of citizens only have been benefitted most, and persons belonging to certain other Castes of Scheduled Castes and other backward classes of citizens could not get due representation in public services and posts. It was, therefore, considered necessary and expedient to provide reservation in such way that all the castes included in the Scheduled Castes and other backward classes of citizens be benefitted and be given due representation in public services and posts, by the reservation policy it was decided to amend the said Act to the Scheduled Castes into two categories and the other backward classes of citizens into three categories keeping in view their representation in public services and posts in proportion to their population and provide them reservation in public services and post accordingly.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) (Amendment) Ordinance, 2001 (U.P. Ordinance no. 18 of 2001) was promulgated by the Governor on September 15, 2001.

Thereafter it has been decided to provide in the aforesaid Act also for,—

(1) the reservation in any year of recruitment to the extent of fifty per cent of vacancies of that year or of the cadre ;

(2) abolition of restrictions of maximum three special recruitment for unfilled vacancies of a reserved category ;

(3) carry forward of unfilled vacancies of any reserved categories as a separate class of vacancies until filled ;

(4) issue of roster on the cadre strength by indication reservation points relating to various reserve categories.

This Bill is introduced to replace the aforesaid Ordinance with the aforesaid amendments.

By order,
Y.R. TRIPATHI,
Pramukh Sachiv.

No. 1576(2)/XVII-V-1-1(KA)/11-2002

Dated Lucknow, August 31, 2002

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of Uttar Pradesh Lok Seva Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhre Vargon Ke Liye Arakshan) (Sanshodhan) Adhiniyam, 2002 (Uttar Pradesh Adhiniyam Sankhya 1 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 29, 2002:

THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION FOR SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES) (AMENDMENT) ACT, 2002

(U.P. Act No. 1 of 2002)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

furth^r to amend the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994.

IT IS HEREBY enacted in the Fifty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) (Amendment) Act, 2002.

(2) Section 2, sub-section (1) of section 3 of the principal Act, except the second proviso thereto, as substituted by clause (a) of section 3, sub-clause (i) of clause (b) of section 3, section 4, section 5 and section 6 shall be deemed to have come into force on September 15, 2001; the remaining provisions of clause (a) sub-clause (ii) of clause (b) and clause (c) of section 3 shall be deemed to have come into force on June 25, 2002, and the remaining provisions shall come into force at once.

2. In section 2 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994, hereinafter referred to as the principal Act,—

(a) for clause (b) the following clause shall be substituted, namely:—

“(b) ‘other backward classes of citizens’ means the backward classes of citizens specified in Schedule I”;

(b) clauses (b-1), (b-2) and (b-3) shall be omitted.

3. In section 3 of the principal Act,—

(a) for sub-section (1), (2) and (3) the following sub-section shall be substituted, namely:—

“(1) In public services and posts, there shall be reserved at the stage of direct recruitment, the following percentage of vacancies to which recruitments are to be made in accordance with the roster referred to in sub-section (5) in favour of the persons belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes of citizens,—

(a) in the case of Scheduled Castes	Twenty one per cent;
(b) in the case of Scheduled Tribes	Two per cent;
(c) in the case of other Backward Classes of citizens	Twenty seven per cent;

Short title and commencement

Amendment of section 2 of U. P. Act no. 4 of 1994

Amendment of section 3

Provided that the reservation under clause (c) shall not apply to the category of other Backward Classes of citizens specified in Schedule II :

Provided further that reservation of vacancies for all categories of persons shall not exceed in any year of recruitment fifty per cent of the total vacancies of that year as also fifty per cent of the cadre strength of the service to which the recruitment is to be made ;

(2) If, in respect of any year of recruitment any vacancy reserved for any category of persons under sub-section (1) remains unfilled, such vacancy shall be carried forward and be filled through special recruitment in that very year or in succeeding year or years of recruitment as a separate class of vacancy and such class of vacancy shall not be considered together with the vacancies of the year of recruitment in which it is filled and also for the purpose of determining the ceiling of fifty per cent reservation of the total vacancies of that year notwithstanding anything to the contrary contained in sub-section (1) ;

(3) Where a vacancy reserved for the Scheduled Tribes remains unfilled even after three special recruitments made under sub-section (2), such vacancy may be filled from amongst the persons belonging to the Scheduled Castes”;

(b) (i) sub-section (3-A), (3-B) shall be omitted ;

(ii) sub-section (4) shall be omitted ;

(c) for sub-section (5), the following sub-section shall be substituted, namely :—

“(5) The State Government shall for applying the reservation under sub-section (1), by a notified order, issue a roster comprising the total cadre strength of the public service or post indicating therein the reserve points and the roster so issued shall be implemented in the form of a running account from year to year until the reservation for various categories of persons mentioned in sub-section (1) is achieved and the operation of the roster and the running account shall, thereafter, come to an end; and when a vacancy arises thereafter in public service or post the same shall be filled from amongst the persons belonging to the category to which the post belongs in the roster.”

4. For Schedule-I, to the principal Act, the following Schedule shall be substituted, namely:—

Substitution of
Schedule-I

"SCHEDULE-I
[See section 2 (b)]

- | | |
|---|----------------------------------|
| 1. Ahir, Yadav, Gwala, Yaduvanshiya | 12. Kahar, Kashyap |
| 2. Sonar, Sunar, Swarnkar | 13. Kewat, Mallah, Nishad |
| 3. Jat | 14. Kisan |
| 4. Kurmi, Chanau, Patel, Patanwar,
Kurmi-Mall, Kurmi-Seinthwar | 15. Koeri |
| 5. Giri | 16. Kumhar, Prajapati |
| 6. Gujar | 17. Kasgar |
| 7. Gosain | 18. Kunjra or Raeen |
| 8. Lodh, Lodha, Lodhi, Lot, Lodhi-Rajput | 19. Gareria, Pal, Vaghel |
| 9. Kamboj | 20. Gaddi, Ghoshi |
| 10. Arakh, Arakvanshiya | 21. Chikwa, Qassab Qureshi, Chak |
| 11. Kachchi, Kachchi-Kushwaha, Shakya | 22. Chhippi, Chipa |

- | | |
|---|--|
| 23. Jogi | 51. Rai Sikh |
| 24. Jhoja | 52. Sakka-Bhisti, Bhisti-Abbasi |
| 25. Dhafali | 53. Dhobi (Those not included in the Schedule Castes or Scheduled Tribes Category) |
| 26. Tamoli, Barai, Chaurasia | 54. Kasera, Thathera, Tamrakar |
| 27. Teli, Samani, Rogangar, Sahu, Rauniar, Gundhi, Arrak | 55. Nanbai |
| 28. Darji, Idrisi, Kakutstha | 56. Mirshikar |
| 29. Dhiver | 57. Shekh Sarwari (Pirai), Peerahi |
| 30. Naqqal | 58. Mev, Mewati |
| 31. Nat (Those not included in Scheduled Castes Category) | 59. Koshita/Koshti |
| 32. Naik | 60. Ror |
| 33. Faqir | 61. Khumra, Sangatarash, Hansiri |
| 34. Banjara, Ranki, Mukeri, Mukerani | 62. Mochi |
| 35. Barhai, Saifi, Vishwakarma, Panchal, Raingadhya, Jangir, Dhiman | 63. Khagi |
| 36. Bari | 64. Tanwar Singharia |
| 37. Beragi | 65. Katuwa |
| 38. Bind | 66. Maheegeer |
| 39. Biyar | 67. Dangi |
| 40. Bhar, Raj-Bhar | 68. Dhakar |
| 41. Bhurji, Bharbhunja, Bhooj, Kandu, Kashaudhan | 69. Gada |
| 42. Bhathiara | 70. Tantawa |
| 43. Mali, Saini | 71. Joria |
| 44. Sweeper (Those not included in Scheduled Caste Category), Halalkhor | 72. Patwa, Patahara, Patehara, Deovanshi |
| 45. Lohar, Lohar-Saifi | 73. Kalal, Kalwar, Kalar |
| 46. Lonia, Nonia, Gole-thakur, Lonia-Chauhan | 74. Manihar, Kacher, Lakhara |
| 47. Rangrez, Rangwa | 75. Murao, Murai, Maurya |
| 48. Marchcha | 76. Momin (Ansar) |
| 49. Halwai, Modanwal | 77. Muslim Kayastha |
| 50. Hajjam, Nai, Salmani, Savita, Sriwas | 78. Mirasi |
| | 79. Naddaf (Dhuniya), Mansoori, Kandere, Kadera, Karan (Karn)" |

Amendment of,
Schedule-II

5. In Schedule-II to the principal Act,—

(a) in article I, the words "or has been" shall be omitted;

(b) in article II, in clause (A) in sub-clause (e) for the word "अस्थायी" appearing in Hindi version words "स्थायी" shall be substituted;

Omission of,
Schedule-III

6. Schedule-III to the principal Act shall be omitted.

U.P. Ordinance no. 2
of 2002 and U.P.
Ordinance no. 7 of
2002

7. (1) The Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) (Amendment) Ordinance, 2002 and the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) (Second Amendment) Ordinance, 2002 are hereby repealed.

Repeal and
saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinances referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By Order,
A. B. SHUKLA,
Pramukh sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-1 खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 4 जनवरी, 2013

पौष 14, 1934 शक सम्वत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-1

संख्या 5/79-वि-1-13-1(क)2-12

लखनऊ 4 जनवरी, 2013

प्राधसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) (संशोधन) विधेयक, 2012 पर दिनांक 31 दिसम्बर, 2012 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 1 सन् 2013 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य

पिछड़े वर्गों के लिए आरक्षण) (संशोधन) अधिनियम, 2012

(उत्तर प्रदेश अधिनियम संख्या 1 सन् 2013)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम, 1994 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के तिरसठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) (संशोधन) अधिनियम, 2012 कहा जायेगा। संक्षिप्त नाम एवं प्रारम्भ

(2) यह दिनांक 7 मई, 2012 को प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या
4 सन् 1994 की
धारा 3 का
संशोधन
निरसन और
अपवाद

2—उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जगजातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम, 1994, जिस आगे मूल अधिनियम कहा गया है, की धारा 3 में उपधारा (7) निकाल दी जायेगी।

3—(1) उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) (संशोधन) अध्यादेश, 2012 एतद्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या
2 सन् 2012

(2) ऐसे निरसन के होते हुए भी, उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान् समय पर प्रवृत्त थे।

उद्देश्य और कारण

रिट याचिका संख्या 1389/2007 (प्रेम कुमार सिंह व अन्य बनाम उत्तर प्रदेश राज्य व अन्य) में मा0 उच्च न्यायालय इलाहाबाद, लखनऊ खण्डपीठ, लखनऊ के निर्णय के विरुद्ध दायर सिविल अपील संख्या-2608/2011 (उत्तर प्रदेश पावर कार्पोरेशन लिमिटेड बनाम राजेश कुमार व अन्य) तथा उक्त सिविल अपील के साथ सम्बद्ध सिविल अपील संख्या 2679/2011 (उत्तर प्रदेश राज्य व अन्य बनाम प्रेम कुमार सिंह व अन्य) में मा0 उच्चतम न्यायालय द्वारा दिनांक 27 अप्रैल, 2012 को दिये गये निर्णय में अन्य बातों के साथ-साथ उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम, 1994 (उत्तर प्रदेश अधिनियम संख्या 4, सन् 1994) की धारा 3 की उपधारा (7) को अधिकारातीत (अल्ट्रा वाइरस) अभिनिर्धारित किया गया था, जिसमें यह व्यवस्था की गयी थी कि यदि, अधिनियम के प्रारम्भ के दिनांक को पदोन्नति द्वारा भरे जाने वाले पदों पर नियुक्ति के लिए सरकारी आदेशों के अधीन आरक्षण लागू हो तो ऐसे सरकारी आदेश तब तक लागू रहेंगे जब तक उन्हें उपान्तरित या विखण्डित न कर दिया जाय। मा0 उच्चतम न्यायालय के उक्त निर्णय को कार्यान्वित करने के उद्देश्य से यह विनिश्चय किया गया कि उक्त अधिनियम की धारा 3 की उपधारा (7) को निकाल दिया जाय।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और उपर्युक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 07 मई, 2012 को उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) (संशोधन) अध्यादेश, 2012 (उत्तर प्रदेश अध्यादेश संख्या 2 सन् 2012) प्रख्यापित किया गया।

तदनुसार उपर्युक्त अध्यादेश को प्रतिस्थापित करने के लिए उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) (संशोधन) विधेयक, 2012 पुरस्थापित किया जाता है।

आज्ञा से,
एस0 के0 पाण्डेय
प्रमुख सचिव।

No. 5 (2)/LXXIX-V-1-13-1(Ka)2-12

Dated Lucknow, January 4, 2013

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan-Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) (Sanskhodhan) Adhiniyam, 2012 (Uttar Pradesh Adhiniyam Sankhya 1 of 2013) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 31, 2012.

THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION FOR SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES) AMENDMENT) ACT, 2012
(U.P. ACT NO. 1 OF 2013)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994.

IT IS HEREBY enacted in the Sixty-third Year of the Republic of India as follows :-

1. (1) This Act may be called the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Act, 2012. Short title and commencement

(2) It shall be deemed to have come into force on May 7, 2012.

2. In section 3 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 hereinafter referred to as the principal Act, sub-section (7) shall be omitted. Amendment of section 3 of U.P. Act no. 4 of 1994

U.P. Ordinance no. 2 of 2012 3. (1) The Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Ordinance, 2012 is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

In the Civil Appeal no. 2608/2011 (Uttar Pradesh Power Corporation Ltd. *Versus* Rajesh Kumar and Others) filed against the judgment of the High Court of Judicature at Allahabad, Lucknow Bench Lucknow in the Writ Petition no. 1389/2007 (Prem Kumar Singh and Others *Versus* Uttar Pradesh State and Others) and in the Civil Appeal no. 2679/2011 (Uttar Pradesh State and Others) *Versus* Prem Kumar Singh and Others) attached with the said civil appeal the Supreme Court had in the Judgment dated April 27, 2012 *inter alia* held ultra virus sub-section (7) of section 3 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U.P. Act no. 4 of 1994) which provided that if, on the date of commencement of the Act, reservation was in force under Government Orders for appointment to posts to be filled by promotion, such Government Orders,

shall continue to be applicable till they are modified or revoked. With a view to implementing the said judgment of the Supreme Court it was decided to omit sub-section (7) of section 3 of the said Act.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Ordinance, 2012 (U.P. Ordinance no. 2 of 2012) was promulgated by the Governor on May 07, 2012.

The Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Bill, 2012 is introduced accordingly to replace the aforesaid Ordinance.

By order,
S. K. PANDEY,
Pramukh Sachiv.