## सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

### असाधारण

विधायी परिशिष्ट

भाग-3 खण्ड (क)
(उत्तर प्रदेश विधन मण्डल के विधेयक)
लखनऊ, बुधवार, 23 मार्च, 1994
चैत्र 2, 1916 शक सम्वत्

उत्तर प्रदेश सरकार

## विधायी अनुभाग-1

संख्या - 488/सत्रह-वि-1-1 (क) - 6-1994 लखनऊ, 23 मार्च 1994 अधिसूचना

## विविध

"भारत का संविधान" अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश विधान मण्डल द्वारा पारित उत्तर प्रदेश लोक सेवा (अनुस्चित जातियों, अनुस्चित जन-जातियों और अन्य पिछड़े वर्गों के लिये आरक्षण) विधेयक, 1994 पर दिनांक 22 मार्च, 1994 को अनुमति प्रदान की और यह उत्तर प्रदेश अधिनियम संख्या 4 सन् 1994 के रूप में सर्व गारण की स्चनार्थ इस अधिस्चना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश लोक सेवा (अनुस्चित जातियों, अनुस्चित जन-जातियों और अन्य पिछड़े वर्गों के लिये आरक्षण)

(उत्तर प्रदेश अधिनियम संख्या 4 सन् 1994)

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

अनुस्चित जातियों, अनुस्चित जन-जातियों और नागरिकों के अन्य पिछड़े वर्गों से सम्बन्धित व्यक्तियों के पक्ष में लोक सेवाओं और पदों पर आरक्षण की, ओर उससे सम्बन्धित या आनुषंगिक विषयों की व्यवस्था करने के लिए

### अधिनियम

अधिनियम, 1994

- 1- (1) यह अधिनियम उत्तर प्रदेश लोक सेवा (अनुसूचित संक्षिप्त नाम जातियों, अनुसूचित जन-जातियों और अन्य पिछड़े वर्गों के लिए और प्रारम्भ आरक्षण) अधिनियम, 1994 कहा जाएगा।
- (2) यह 11 दिसम्बर, 1993 को प्रवृत्त हुआ समझा जाएगा।
- 2- इस अधिनियम में -
- (क) लोक सेवाओं और पदों के सम्बन्ध में "नियुक्ति प्राधिकारी" का तात्पर्य ऐसी सेवाओं और पदों पर नियुक्ति करने के लिए सशक्त प्राधिकारी से है :
- (ख) "नागरिकों के अन्य पिछड़े वर्गों" का तात्पर्य अनुसूची-एक में विनिर्दिष्ट नागरिकों के पिछड़े वर्गों से है:
- (ग) "लोक सेवाओं और पदों" का तात्पर्य राज्य के कार्यकलाप से सम्बन्धित सेवाओं और पदों से है और इसके अन्तर्गत निम्नलिखित की सेवायें और पद भी हैं:-
- (एक) स्थानीय प्राधिकारी :-
- (दो) उत्तर प्रदेश सहकारी समिति अधिनियम, 1965 की धारा 2 के खण्ड (च) के यथा परिभाषित सहकारी समिति, जिसमें राज्य सरकार द्वारा धृत अंश समिति की अंश पूंजी के इक्यावन प्रतिशत के कम न हो :
- (तीन) किसी केन्द्रीय या उत्तर प्रदेश अधिनियम के द्वारा या उसके अधीन स्थापित कोई बोर्ड या कोई नियम या कोई कान्नी निकाय जो राज्य सरकार के स्वामित्वाधीन या नियंत्रणाधीन हों या कम्पनी अधिनियम, 1956 की धारा 617 में यथा परिभाषित कोई सरकारी कम्पनी, जिसमें राज्य सरकार द्वारा वृत्त समादत्त शेयर पूंजी इक्यावन प्रतिशत से कम न हो :-
- (चार) संविधान के अनुच्छेद 30 के खण्ड (1) में निर्दिष्ट अल्प संख्यक वर्ग द्वारा स्थापित और प्रशासित किसी संस्था के सिवाय राज्य सरकार के स्वामित्वाधीन और नियंत्रणाधीन कोई शिक्षण संस्था या जो राज्य सरकार से अनुदान प्राप्त करता हो, जिसके अन्तर्गत किसी उत्तर प्रदेश अधिनियम के द्वारा या अधीन स्थापित कोई विश्वविद्यालय भी है:-
- (पांच) जिसके सम्बन्ध में इस अधिनियम के प्रारम्भ के दिनांक को सरकार के आदेशों द्वारा, आरक्षण लागू था और जो उपखण्ड (एक) से (चार) के अधीन अच्छादित नहीं है।
- (घ) किसी रिक्त के सम्बन्ध में "अर्ती का वर्ष" का तात्पर्य किसी वर्ष की पहली जुलाई से प्रारम्भ होने वाली बारह मास की अविध, जिसके भीतर ऐसी रिक्ति के प्रति सीधी भर्ती की प्रक्रिया प्रारम्भ की जाय, से है।

ा जातियों, ्वेत जन-जातियों अन्य पिछड़े वर्गों के पक्ष में आरक्षण

- 3-(1) लोक सेवाओं और पदों में, अनुसूचित जातियों, अनुसूचित जन-जातियों और नागरिकों के अन्य पिछड़े वर्गों से संबंधित व्यक्तियों के पक्ष में, सीधी भर्ती के प्रक्रम पर, उपधारा (5) में निर्दिष्ट रोस्टर के अनुसार रिक्तियों का, जिन पर भर्ती की जानी है, निम्नलिखित प्रतिशत आरक्षित किया जायेगा :-
- (क) अनुस्चित जातियों के मामले में इक्कीस प्रतिशत
- (ख) अनुस्चित जन-जातियों के मामले में दो प्रतिशत
- (ग) नागरिकों के अन्य पिछड़े वर्गों के मामले में सताइस प्रतिशत
- परन्तु खण्ड (ग) के अधीन आरक्षण अनुस्ची-दो मे विनिर्दिष्ट नागरिकों के अन्य पिछड़े वर्गों की श्रेणी पर लागू नहीं होगा।
  - (2) यदि, भर्ती के किसी वर्ष के सम्बन्ध में उपधारा (1) के अधीन व्यक्तियों की किसी श्रेणी के लिए आरक्षित कोई रिक्ति बिना भरे रह जाय तो उस श्रेणी से सम्बन्धित व्यक्तियों में से ऐसी रिक्ति को भरने के लिये विशेष भर्ती, तीन से अनाधिक, उतनी बार की जायेगी जैसी आवश्यक समझी जाय।
  - (3) यदि उपधारा (2) में निर्दिष्ट तीसरी ऐसी, भर्ती में अनुसूचित जन-जातियों के उपयुक्त अश्न्यर्थी उनके लिए आरक्षित रिक्ति को भरने के लिए उपलब्ध न हो तो ऐसी रिक्ति अनुसूचित जातियों से सम्बन्धित व्यक्तियों द्वारा भरी जायगी।
  - (4) जहां उपधारा (1) के अधीन आरक्षित रिकियों में से कोई रिक्ति उपयुक्त अभ्यर्थियों को अनुपलब्धता के कारण उपधारा (3) में निर्दिष्ट विशेष भर्ती के पश्चात् भी बिना भरी रह जाती है तो उसे पहली जुलाई से प्रारम्भ होने वाले अगले वर्ष में जिसमें भर्ती की जानी है, इस शर्त के अधीन अग्रनीत किया जा सकेगा कि उपधारा (1) में उल्लिखित व्यक्तियों की सभी श्रेणियों के लिए रिक्तियों का कुछ आरक्षण उस वर्ष में कुछ रिक्तियों के पचास प्रतिशत से अधिक नहीं होगा।
  - (5) राज्य सरकार, उपधारा (1) के अधीन आरक्षण को लागू करने के लिए अधिसूचना ओदश द्वारा, एक रोस्टर जारी करेगी जो अनवरत् रूप से लागू रहेगा, जब तक यह समाप्त न हो जाय।
  - (6) यदि उपधारा (1) में उल्लिखित किसी श्रेणी से सम्बन्धित कोई व्यक्ति योग्यता के आधार पर खुली प्रतियोगिता मे सामान्य अभ्यर्थियों के साथ चयनित होता है। तो उसे उपधारा (1) के अधीन ऐसी श्रेणी के लिए आरक्षित रिक्तियों के प्रति समायोजित नहीं किया जाएगा।
  - (7) यदि इस अधिनियम के प्रारम्भ के दिनांक को पदोन्नित द्वारा भरे जाने वाले पदों पर नियुक्ति के लिए सरकार के आदेशों के अधीन आरक्षण लागू हो तो ऐसे सरकारी आदेश तब तक लागू रहेंगे जब तक उन्हें उपान्तरित या विखण्डित न कर दिया जाये।

अधिनियम के अनुपालन के लिए उत्तरदायित्व और शक्ति 4-(1) राज्य सरकार, इस अधिनियम के उपबन्धों के अनुपालन को सुनिश्वित करने के लिए किसी नियुक्ति प्राधिकारी या किसी अधिकारी या कर्मचारी को, अधिसूचित आदेश द्वारा उत्तरदायित्व सौंप सकती है।

# No. 1577(2)/LXXIX-V-1-20-1(ka)-4-20 Dated Lucknow, August 31, 2020

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Lok Sewa (Arthik Roop se Kamjor Vargon ke Liye Arakshan) Adhiniyam, 2020 (Uttar Pradesh Adhiniyam Sankhya 10 of 2020) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 28, 2020. The Karmik Anubhag-2, is administratively concerned with the said Adhiniyam.

# THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION FOR ECONOMICALLY WEAKER SECTIONS) ACT, 2020

(U.P. Act No. 10 OF 2020)
[As passed by the Uttar Pradesh Legislature]

#### AN

#### ACT

to provide for the reservation in public services and posts in favour of the persons belonging to the Economically Weaker Sections of citizens in addition to the existing reservation applicable in the State and for matters connected therewith or incidental thereto.

IT IS HERERBY enacted in the Seventy-first Year of the Republic of India as follows:-

## Short title and commencement

- 1. (1) This Act may be called the Uttar Pradesh Public Services (Reservation for Economically Weaker Sections) Act. 2020.
  - (2) It shall be deemed to have come into force on February 1, 2019.

#### Definitions

- 2. In this Act, unless the context otherwise requires,-
- (a) "appointing authority" in relation to public services and posts means the authority empowered to make appointment to such services or posts;
- (b) "Economically Weaker Sections of citizens" means the persons belonging to Economically Weaker Section, as defined in the Office Memorandum F. No. 36039/1/2019 Estt. (Res), dated 19-01-2019 of D.O.P.T. Ministry of Personnel and Public Grievance and Pension, Government of India for the time being in force;
- (c) "public services and posts" means the services and posts in connection with the affairs of the State and includes services and posts in-
  - (i) a local authority;
  - (ii) a co-operative society as defined in clause (f) of section 2 of the Uttar Pradesh Co-operative Societies Act, 1965 in which not less than fifty-one per cent of the share capital of the society is held by the State Government;

- (iii) a Board or a corporation or a statutory body established by or under a Central or Uttar Pradesh Act which is owned and controlled by the State Government, or a Government company as defined in section 617 of the Companies Act, 1956 in which not less than fifty-one 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 an Uttar Pradesh Act, except an institution established and administered by minorities referred to in clause (1) of Article 30 of the Constitution;
- (v) in respect of which reservation was applicable by the Government orders on the date of commencement of this Act and are not covered under sub-clauses (i) to (iv);
- (d) "Reservation" means reservation for Economically Weaker Section in vacancies of posts and services in the State of Uttar Pradesh;
- (e) "year of recruitment' in relation to a vacancy means a period of twelve months commencing on the first of July of a calendar year within which the process of direct recruitment against such vacancy is initiated.
- 3. (1) In public services and posts, at the stage of direct recruitment, ten per cent of vacancies to which recruitment are to be made, there shall be reserved in favour of the persons belonging to Economically Weaker Sections of citizens:

Reservation in favour of Economically Weaker Section

Provided that the reservation shall not apply to the category of Economically Weaker Sections of citizens specified in the Schedule to this Act:

Provided further that the candidates from out of the State of Uttar Pradesh shall not be eligible for benefits of reservation under this Act.

- (2) The reservation under this section shall be in addition to the reservation provided under the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994.
- (3) The office memorandum issued by Karmik Anubhag-2 vide no. 1/2019/4/1/2202/ka-2/19T.C.II, dated 18.02.2019 shall be deemed to have been issued under this section.
- (4) For applying the reservation under sub-section (1), roaster has been issued by notification O.M. No. 5/2019/4/1/2002/ka-2/2019T.C.-I, dated 13<sup>th</sup> August, 2019 by the State Government which shall be continuously applied till it is exhausted.
- (5) If a person belonging to Economically Weaker Sections of citizens gets selected on the basis of merit in an open competition with unreserved candidates, he shall not be adjusted against the vacancies reserved for such category under subsection (1).

(6) "Where in any particular recruitment year any vacancy earmarked under sub-section (1) for Economically Weaker Sections cannot be filled up due to non availability of a suitable candidate belonging to Economically Weaker Sections such vacancies shall not be carried forward to the next recruitment year as backlog and the said vacancy shall be filled by the eligible candidates of unreserved category."

Responsibility and powers for compliance of this 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 provision of this Act.
- (2) The State Government may, in the like manner, invest the appointing authority or officer or employee referred to in sub-section (1) with such powers or authority as may be necessary for effectively discharging the responsibility entrusted to him under sub-section (1).

Penalty

- 5. (1) Any appointing authority or officer or employee entrusted with the responsibility under sub-section (1) of section 4 who willfully acts in a manner intended to contravene or defeat the purpose of this Act shall, on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.
- (2) No court shall take cognizance of an offence under this section except with the previous sanction of the State Government or an officer authorized in this behalf by the State Government by an order.
- (3) An offence punishable under sub-section (1) shall be tried summarily by a Metropolitan Magistrate or a Judicial Magistrate of the first class and the provision of sub-section (1) of section 262, section 263, section 264 and section 265 of the Code of Criminal Procedue, 1973 shall *mutatis mutandis* apply.

Power to call for record

6. If it comes to the notice of the State Government, that any person belonging to Economically Weaker Sections mentioned in sub-section (1) of section 3 has been adversely affected on account of non compliance of the provisions of this Act or the rules made thereunder or the Government orders issued in this behalf by the appointing authority, it may call for such records and take such action as it may consider necessary.

Income and Assets certificate

7. For the purpose of reservation provided under this Act, income and assets certificate shall be issued by such authority or officer not below the rank of Tehsildar in the State and in such manner and in such form as the State Government may, by order, provide.

The office memorandum no. 1/2019/4/1/2002/ka-2/19T.C.II, dated 18<sup>th</sup> February, 2019 shall be deemed to have been issued under this section.

Removal of difficulties

- 8. 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:
- Provided that no such order shall be made after two years from the date of commencement of this Act.

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

Protection of action taken in good faith

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

Power to make rules

11. The State Government may, by notification amend the Schedule and upon the publication of such notification in *Gazette*, the Schedule shall stand amended accordingly.

Power to amend the Schedule

12. Every order made under sub-section (4) of section 3 and sections 4 and 8 shall be laid as soon as may be, before each House of the 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 Order

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

Savings

Explanation: For the purposes of this 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 appointment, to be made under the Uttar Pradesh Recruitment of Dependent of Government Servant Dying in Harness Rules, 1974.

#### **SCHEDULE**

### [See Section 3 (1)]

Persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS (Economically Weaker Section), irrespective of the family income:

- i. 5 acres of Agricultural Land and above;
- ii. Residential flat of 1000 sq. ft. and above;
- iii. Residential plot of 100 sq. yards and above in notified municipalities;
- iv. Residential plot of 200 sq. yards and above in areas other than the notified municipalities.

The income and assets of the families as mentioned above would be required to be certified by an officer not below the rank of Tehsildar in State. The officer who issues the certificate would do the same after carefully verifying all relevant documents.

#### STATEMENT OF OBJECTS AND REASONS

In accordance with the provisions of the Constitution (One Hundred and Third Amendment) Act, 2019 and with reference of Government of India, Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training *vide* O.M. No. 36039/1/2019-Estt. (Res.), dated 19<sup>th</sup> January, 2019, has been made provision of 10 per cent reservation to Economically Weaker Sections (EWSs) in civil posts and services in the Government of India.

It has therefore been decided to make a law to provide 10 per cent reservation in Public Services and Posts in favour of persons belonging to the Economically Weaker Sections (EWSs) of citizens in addition to the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes in the State and for matters connected therewith or incidental thereto.

The Uttar Pradesh Public Services Reservation for Economically Weaker Sections Bill, 2020 is introduced accordingly.

By order, J. P. SINGH-II, Pramukh Sachiv.