

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

Dated, 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 Pichhre Vargon Ke Liye Arakshan) Aduiniyam 1994 (Uttar Pradesh Adhiniyam Sankhya 4 of 1994) as passed by the Uttar Pradesh legislative and assented to by the Governor on March 22, 1994.

**THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION
FOR SCHEDULED CASTES,
SCHEDULED TRIBES AND OTHER BACK-WARD 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 there with a incidental thereto.

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

Short title and
commencement
Definitions

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.

2. In this Act, -

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

(b) "other backward classes of citizens" means the backward classes of citizens specified in Schedule I;

(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 percent 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 a 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 percent 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.

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	twenty one percent:
(b) in the case of Scheduled Tribes	two percent:
(c) in the classes of other backward classes of citizens	twenty seven percent:

Provided that the reservation under clause (c) shall not apply to the category of other backward classes of citizens specified in Schedule II.

(2) If, even in respect of any year of recruitment, any vacancy reserved for any category of persons under sub-section (1) remains unfilled, special recruitment shall be made for such number of times, not exceeding three, as may be considered necessary to fill such vacancy from amongst the persons belonging to that category.

(3) If, in the third such recruitment referred to in sub-section (2), suitable candidates belonging to the Scheduled Tribes are not available to fill the vacancy reserved for them, such vacancy shall be filled by persons belonging to the Scheduled Castes.

(4) Where, due to non-availability of suitable candidates any of the vacancies reserved under sub-section (1) remains unfilled even after special recruitment referred to in sub-section (2), it may be carried over to the next year commencing from first of July, in which recruitment is to be made, subject to the condition that in that

Reservation in
favour of
Scheduled
Castes,
Scheduled
Tribes and
other
Backward
Classes

year total reservation of vacancies for all categories of persons mentioned in sub-section (1) shall not exceed fifty percent of the total vacancies.

(5) The State Government shall, for applying the reservation under sub-section (1) by a notified order issue a roster which shall be continuously applied till it is exhausted.

(6) If a person belonging to any of the categories mentioned in sub-section (1) gets selected on the basis of merit in an open competition with general candidates, he shall not be adjusted against the vacancies reserved for such category under sub-section (1).

(7) if, on the date of commencement of this 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.

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 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 wilfully 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 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 to of the first class and the provisions of sub-section (1) of section 262, section 263, section 264 and section 265 of the code of criminal Procedure, 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 any of the categories 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 there under or the Government orders in this behalf by the appointing authority, it may call for such records and take such action as it may

consider necessary.

Representation
in Selection
Committee

7. 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.

Concession
and realization

8. The State Government may, in favour of the categories of persons mentioned in sub-section (I) 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 recreation in direct recruitment and promotion, in favour of categories of persons referred to in sub-section (I) 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 purpose 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.

Removal of
difficulties

10. If any difficulty arises in giving effect to the provision 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.

Protection of
action taken in
good faith

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.

Power to make
Rules

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

Power to
amend the
Schedules
Laying of
Order etc.

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.

14. Every order made under sub-section (5) of section 3, sub-section (I) 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 (I) of section 23-A of the Uttar Pradesh General classes Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

Savings

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.

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.

U.P. Act no. 21
of 1989 U.p.
Act no. 3 of
1993

Repeal and
savings

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.

U.P. Ordinance
no. 5 of 1994

(2) Not with standing 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.

SCHEDULED-1

[See Section 2 (6)]

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| 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 Raeen | 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. Lodha, 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) | |

SCHEDULED-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 of service or officer is Rupees ten thousand or more per annum, 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 at least a graduate and his family owns immovable property worth at least 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 at least a graduate and his family owns immovable property worth at least rupees twenty lakh.

4. son or daughter of an industrialist whose level of investment in running unit is over rupees ten crore and such units are engaged in commercial production for at least five years and his spouse is at least 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 industry and the wife and his spouse is at least 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 at least a graduate and his family owns immovable property worth at least rupees ten lakh,

By order,
N.K. NARANG,
Secretary