

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

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No. 488(2)/XVII- V-1-1(K A)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 janjatiyon Aur Anya Pichhre Vargon Ke Liya Arakshan) Adhiniyam, 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

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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-fifthYear 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 Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994.	
		(2) It shall be deemed to have come into force on December 11, 1993. Definitions	
Definitions	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 : ⁽¹⁾ (b) "other backward classes of citizens" means the backward classes of citizens specified in Schedule 1; ⁽²⁾ clauses (b-1), (b-2) and (b-3) shall be omitted.	

(1) The Clause Amended by The Uttar Pradesh Public Services (Reservation For Scheduled Castes, Scheduled Tribes And Other Back-Ward Classes) (Amendment) Act, 2002
(2) The Clause Amended by The Uttar Pradesh Public Services (Reservation For Scheduled Castes, Scheduled Tribes And Other Back-Ward Classes) (Amendment) Act, 2002

		<p>(c) "public services, and posts" means the services and posts in connection with the affairs of the State and includes services and posts in—</p> <p>(i) a local authority :</p> <p>(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 :</p> <p>(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 :</p> <p>(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 ;</p> <p>(v) respect of which reservation was applicable by Government orders on the date or the commencement of this Act and which are not covered under sub-clauses (i) to (iv) ;</p> <p>(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.</p>	
	3.	<p>⁽¹⁾ (1) In public services and posts, there shall be reserved at the stage of direct recruitment, the following percentages of vacancies to which recruitment 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,—</p> <p>(a) in the case of Scheduled Castes twenty one percent :</p> <p>(b) in the case of Scheduled Tribes two percent :</p> <p>(c) in the case of other backward classes of citizens twenty seven percent:</p> <p>Provided that the reservation under clause (c) shall not apply to the category of other backward classes of citizens specified in Schedule II.</p> <p>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 percent of the cadre strength of the service to which the recruitment is to be made ;</p> <p>⁽²⁾ (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</p>	Reservation in favour of Scheduled Cast, Scheduled Tribes and other Backward Classes

		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);	
		⁽¹⁾ (3) where a suitable candidate belonging to the Scheduled Tribes or Scheduled Castes, as the case may be, is not available in a recruitment either under sub-section (1) or sub-section (2) the vacancy reserved for him may be filled in such recruitment, from amongst the suitable candidates belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, and as soon as a vacancy earmarked in the roster referred to in sub-section (5) for the Scheduled Castes or Scheduled Tribes, as the case may be, arises such person belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be adjusted against such vacancy of his own category. ⁽²⁾ sub-section (3-A), (3-B) shall be omitted.	
		⁽³⁾ (4) sub-section (4) shall be omitted.	
		⁽⁴⁾ (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.	
		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).	
		⁽⁵⁾ (7) sub-section (7) shall be omitted	
<p>(1) The Clause Amended by The Uttar Pradesh Public Services (Reservation For Scheduled Castes, Scheduled Tribes And Other Back-Ward Classes) (Amendment) Act, 2007</p> <p>(2) (3) (4) The Clause Amended by The Uttar Pradesh Public Services (Reservation For Scheduled Castes, Scheduled Tribes And Other Back-Ward Classes) (Amendment) Act, 2002</p> <p>(5) The Clause Amended by The Uttar Pradesh Public Services (Reservation For Scheduled Castes, Scheduled Tribes And Other Back-Ward Classes) (Amendment) Act, 2012</p>			

Responsibility and powers of 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 subsection (1) with such powers or authority as may be necessary for effectively discharging the responsibility' entrusted to him under subsection (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 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-suction (1) shall be tried summarily by a Metropolitan Magistrate or a Judicial Magistrate 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 relaxation	8.	The State Government may, in favor 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 direct recruitment and promotion. in favor 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.	
	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.	Caste certificate
	10.	If any difficulty arises in giving effect to the provisions of this Act	the State Government may
	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 is 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 he deemed to be amended accordingly.	Power to amend the Schedules
	14.	Every order made under sub-section (5) of section 3, sub-section (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 Legislative 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 etc.
	15.	<p>(1) The provisions of this Act shall not apply to cases in which selection process has been initiated before we 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.</p> <p>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—</p> <p>(i) written test or interview only, the written test of the interview, As the case may be, has started, or (ii) both written test, and interview, the written test has started.</p> <p>(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</p>	

U.P. Act no. 21 of 1989 U.P. Act no.3 of 1993	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 and Saving
U.P. Ordinance no. 5	(2)	Notwithstanding Such repeal anything done or any action taken under the provisions of the Acts and the ordinance referred to in subsection (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.	

(1) SCHEDULED-I

(See .SECTION 2 (6)

1. Ahir, Yadav, Gwala, Yaduvanshiya	41. Bhurji, Bharbhunja, Bhooj, Kandou, Kashaudhan
2. Sonar, Sunar,, Swarnkar	42. Bhathiara
3. Jat.	43. Mali, Saini
4. Kurmi, Chanau, Patel,, Patanwar, Kurmi-Mall, Kurmi-Seinthwar	44. Sweeper (Those not included in Scheduled Caste Category), Halalkhor
5. Giri	45. Lohar, Lohar-Saifi
6. Gujar	46. Lonia,. Nonia, Gole-thakur, LoniaChauhan
7. Gosain	47. Rangrez, Rangwa
8. Lodh,, Lodha, Lodhi,, Lot,, Lodhi-Rajput	48. Marchcha
9. Kamboj	49. Halwai. Modanwal
10. Arakh,, Arakvanshiya	50. Hajjam, Nai, Salmani, Savita, Sriwas
11. Kachchi,, Kachchi-Kushwaha, Shakya	51. Rai Sikh
12. Kahar,, Kashyap	52. Sakka-Bhisti,, Bhisti-Abbasi
13. Kewat, Mallah, Nishad	53. Dhobi (Those not included in the Schedule Castes or Scheduled Tribes Category)
14. Kisan	54. Kasera,, Thathera, Tamrakar
15. Koeri	55. Nanbai
16. Kumhar, Prajapati	56. Mirshikari
17. Kasgar	57. Shekh Sarwari (Pirai), Peerahi
18. Kunjra or Raeen	58. Mev, Mewati
19. Gareria, Pal, Vaghel	59. Koshta/Koshti
20. Gaddi, Ghoshi.	60. Ror
21. Chikwa, Qassab Qureshi, Chak	61. Khumra, Sangalarash, Hansiri
22. Chhippi, Chipa	62. Mochi
23. Jogi	63. Khagi
24. Jhoja	64. Tanwar Singharia
25. Dhafali	65. Katuwa
26. Tamoli, Barai,, Chaurasia	66. Maheegeer
27. Teli, Samani,, Rogangar,, Sahu,, Rauniar, Gundhi,, Arrak	67. Dangi
28. Darji, Idrisi,, Kakutstha	68. Dhakar
29. Dhiver	69. Gada
30. Naqqal	70. Tantawa
31. Nat (Those not included in Scheduled Castes Category)	71. Joria
32. Naik	72. Patwa, Patahara, Patchara, Deovanshi
33. Faqir	73. Kalal, Kalwar, Kalar
34. Banjara, Ranki, Mukeri, Mukerani	74. Manihar,, Kacher,, Lakhara
35. Barhai,, Saifi, Vishwakarma,, Panchal. Ramgadhiya, Jangir, Dhiman	75. Murao, Murai, Maurya
36. Bari	76. Momin (Ansar)
37. Beragi	77. Muslim Kayastha
38. Bind	78. Mirasi
39. Biyar	79. Naddar (Dhuniya),, Mansoori,, Kandere, Kadera, Karan (Karn)
40. Bhar, Raj-Bhar.	

SCHEDULE-II

[See section 3(1)]

I. CONSTITUTIONAL POSTS :—

Son or daughter of a person who is *,-

- (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 Organization, 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 :—

Certain Word (or has been) Omitted by The Uttar Pradesh Public Services (Reservation For Scheduled Castes, Scheduled Tribes And Other Back-Ward Classes) (Amendment) Act, 2002 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 Organization, 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 Pam Military Forces.

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

IV:—PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY

The criteria specified in category V1 below shall apply to—

(A) The persons engaged in profession as a doctor, lawyer, chartered accountant, Income-Tax consultant, dental surgeon, engineer, architect, flint artist and other film professional, author, play-wright, sports persons, sport professional, media professional or any other vacations 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 un-irrigated 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 un-irrigated land shall be converted into the irrigated land on the basis of the existing conversion formula and the un-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 or 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 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."