



हरकोर्ट बटलर प्राविधिक विश्वविद्यालय

नवाबगंज, कानपुर - 208002, उ.प्र., भारत

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100 YEARS
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(Prof. S.K. Sharma)
Registrar
Harcourt Butler Technical University
Kanpur-208002


(Dr. Anand Kumar)
Dean of Academic Affairs

The U.P. Admission To Educational Institutions (Reservation For Scheduled Castes, Scheduled Tribes And Other Backward Classes) Act, 2006

(U.P. Act No. 23 of 2006)

UP161

(As passed by the Uttar Pradesh Legislature)

Received the assent of the Governor on September 7, 2006 and published in the U.P. Gazette, Extraordinary, Part I, Section (Ka) dated 8th September, 2006.

An Act to provide for the reservation in admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizen and for matters connected therewith or incidental thereto.

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

1. Short title and commencement. - (1) This Act may be called the Uttar Pradesh Admission to Educational Institutions (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 2006.

(2) It shall be deemed to have come into force on July 10, 2006.

2. Applicability. - This Act shall apply to all admissions taking place in Educational Institutions, including Private Educational Institutions, whether aided or unaided by the State, other than the Minority Educational Institutions referred to in clause (1) of the Article 30 of the Constitution of India.

3. Definitions. - In this Act, unless the context otherwise requires, -

(a) "*academic year in relation to an admission*" means a period of twelve months commencing on the first day of July of a calendar year within which the process of admission is initiated;

(b) "*aided institution*" means a private educational institution, excluding minority institution, receiving recurring grants-in-aid or financial assistance in whole or in part from the State Government or from any body under the control of State Government disbursing grants-in-aid or financial assistance;

(c) "*general candidate*" means a candidate selected on the basis of merit on an unreserved seat;

(d) "*Head of the Institution*" means the President or the Manager or the Secretary of a society running the institution and includes the Director, the Principal or any Administrative Head of the institution;

(e) "*educational institution*" means, -

(i) a college or a school or an institution, by whatever name called, imparting education approved or recognized by a competent Statutory Body and affiliated to a State University, including a Private University established or incorporated by an Act of the State Legislature or a constituent unit of a deemed to be University defined under Section 3 of the University Grants Commission Act, 1956 imparting education.

(ii) a college or a school or an institution, by whatever name called, imparting professional courses, approved or recognized by the Competent Statutory Body leading to the award

of a degree, diploma or a certificate, by whatever name called.

- (f) "Other Backward Classes or citizens" means the Other Backward Classes or citizens specified in the Schedule-I to the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;
- (g) "Private Institution" means an educational institution not established or maintained by State Government or any Public Body;
- (h) "Professional Course" means a course of study notified as a professional course by the Competent Statutory Body leading to the award of a degree, diploma or certificate by whatever name called;
- (i) "Reserved Seat" means a seat reserved for the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens;
- (j) "Sanctioned Intake" means and implies the total number of seats sanctioned by an authority notified by the State Government for admitting students in each course of study in an Institution;
- (k) "State University" means a University established or incorporated by an Act of the State Legislature;
- (l) "Unaided Institution" means a private Educational Institution, not being an Aided Institution;
- (m) "Unreserved Seat" means a seat other than reserved seats.

4. Reservation in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes.

- (1) In admission to educational institutions, including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, there shall be reservation at the stage of admission in the following percentage of sanctioned intake to which admission is to be made in favour of person belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens, in the academic year, -

(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 citizen **twenty-seven per cent.**

(2) In respect of any academic year if any vacancy reserved for any category of persons under sub-section (1) remains unfilled, another special admission drive shall be made to fill such vacancy from amongst the person belonging to that category.

(3) If in the special admission drive 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 seats reserved under sub-section (1) remains unfilled even after special admission drive referred to in sub-section (2), or sub-section (3), then such vacancy shall be filled by any other suitable candidate, on the basis of merit.

(5) If a person belonging to any of the categories mentioned in subsection (1) gets selected on the basis of merit as a general candidate, and if he wants to remain as a general candidate, then he shall

not be adjusted against the vacancies reserved for such category under sub-section (1).

5. Responsibility and powers for compliance of the Act. - The State Government may, by a notified order, entrust the Head of the Institution or any officer or employee of the Institution with the responsibility of ensuring the compliance of the provision of this Act.

6. Penalty and withdrawal of affiliation. - (1) Any Head of the Institution or any officer or employee of the institution entrusted with the responsibility under Section 5 wilfully acts in a manner intended to contravene or defeat the purpose of this Act shall 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 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.

(4) Where the State Government or any officer or an authority authorised by it is satisfied that any institution has violated any provision of this Act or the rules or the orders made thereunder by the State Government, it may recommend to the appropriate statutory body for the withdrawal of the affiliation of (*sic for*) recognition of such institution.

7. Power to call for record. - 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 4 has been adversely affected on account of non-compliance of the provisions of this Act or the rules made thereunder or the Government orders, it may call for such records from the concerned institution and take such action as it may consider necessary.

8. Admission Committee. - 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 citizen in the Admission Committee to such extent and in such manner as may be prescribed.

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

10. Removal of difficulties. - 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.

11. Protection of action taken in good faith. - No suit, prosecution or any 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.

12. Power to make rules. - The State Government may, by notification, makes rules for carrying out the purpose of this Act.

13. Laying of Order etc. - Every order made under Section 5 and Section 9 shall be laid, as soon as may be, before both the Houses 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.

14. Repeal and saving. - (1) The Uttar Pradesh Admission to Educational Institutions (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Ordinance, 2006 (U.P. Ordinance No. 2 of 2006) is hereby repealed.

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

State Govt. Reservation Circular w.r.to Persons with Benchmark Disabilities

ई-मेल
संख्या-943 / सोलह-1-2019-14(06) / 2006टी0सी0

प्रेषक,
डा0 सरोज कुमार,
विशेष सचिव,
उत्तर प्रदेश शासन।

सेवा में,
1. कुलसचिव, डा0ए0पी0जे0 अब्दुल कलाम प्राविधिक विश्वविद्यालय, लखनऊ।
2. कुलसचिव, मदन मोहन मालवीय प्रौद्योगिकी विश्वविद्यालय, गोरखपुर।
3. कुलसचिव, हरकोर्ट बटलर प्राविधिक विश्वविद्यालय, कानपुर।
4. निदेशक, प्राविधिक शिक्षा निदेशालय, उ0प्र0, कानपुर।
5. सचिव, प्राविधिक शिक्षा परिषद, उ0प्र0, लखनऊ।
6. सचिव, संयुक्त प्रवेश परीक्षा परिषद, उ0प्र0, लखनऊ।

प्राविधिक शिक्षा अनुभाग-1 लखनऊ: दिनांक: 22 मार्च, 2019

विषय: प्रदेश के डिग्री एवं डिप्लोमा अभियंत्रण संस्थाओं में प्रवेश हेतु आरक्षण दिये जाने के संबंध में।
महोदय,

उपर्युक्त विषयक भारत सरकार के दिव्यांगजन अधिकार अधिनियम, 2016 की छायाप्रति संलग्न कर प्रेषित करते हुये मुझे यह कहने का निदेश हुआ है कि कृपया उक्त अधिनियम के सुसंगत प्राविधानों, विशेष रूप से धारा-32 एवं धारा-47 के अंतर्गत 47(1)(b) एवं 47 (2) में प्राविधानित व्यवस्था के क्रम में नियमानुसार आवश्यक कार्यवाही करने का कष्ट करें। यदि शासन स्तर से किसी आदेश/दिशा निर्देश की आवश्यकता है, तो सुविचारित स्पष्ट प्रस्ताव प्रेषित करने का कष्ट करें।
संलग्नक:- यथोक्त। भवदीय,

(डा0 सरोज कुमार)
विशेष सचिव।

आज्ञा से,
(अवध किशोर)
उप सचिव।

359/R0/Govt./19
dt 27/03/19
OSD to Hon
Coordinator Administration
DAA /
for n. a. pl.
2016
2/103
Sh. Tiwari / Sh. Rai
file for records
27.3.19

English Translation of the Circular Dated 943/16-1-2019-14 (06) / 2006 T.C.

Sender:

Dr. Saroj Kumar
Special Secretary,
Government of Uttar Pradesh

To,

1. Registrar, Dr. A.P.J. Abdul Kalam Technical University, Lucknow,
2. Registrar, Madan Mohan Malviya Technological University, Gorakhpur,
3. Registrar, Harcourt Butler Technical University, Kanpur,
4. Director, Directorate of Technical University, Kanpur, Uttar Pradesh
5. Secretary, Council of Technical Education, Uttar Pradesh
6. Secretary, Council for Combined Entrance Exams

Technical Education Section 1

Lucknow 22.03.2019

Subject: Regarding grant of reservation in admission to State Degree and Diploma Engineering Institutions

Sir/Madam,

In reference to above, I have been directed to inform you along with sending copy of the document Rights to Persons with Disabilities Act 2016 that please take necessary action as per rules related to the relevant provisions of the above act specifically clause 32 and section 47 (1) B and 47(2) under clause 47. Please send your clear proposal regarding any clarification required regarding implementation of the above provisions.

(Dr. Saroj Kumar)
Special Secretary

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31. Free education for children with benchmark disabilities.—(1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009 (35 of 2009), every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

32. Reservation in higher educational institutions.—(1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

33. Identification of posts for reservation.—The appropriate Government shall—

(i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;

(ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and

(iii) undertake periodic review of the identified posts at an interval not exceeding three years.

34. Reservation.—(1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government