



**The Uttar Pradesh Public Services (Reservation for Physically Handicapped,
Dependents of Freedom Fighters and Ex-Servicemen) (Amendment) Act, 1997**
Act 6 of 1997

Keyword(s):

**Blindness, Cerebral Palsy, Hearing Impairment, Locomotor Disability, Low
Vision, Physically Handicapped**

Amendment appended: 29 of 1999

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No. 1087(2)/XVII-V-1—1 (KA)12-1997

Dated Lucknow, July 31, 1997

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 (Sharirik Roop Se Viklang, Swatantrata Sangram Senaniyon Ke Ashrit Aur Bhutpurva Sainikon ke Liye Aarakshan) (Sanshodhan) Adhinyam, 1997 (Uttar Pradesh Adhinyam Sankhya 6 of 1997) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 30, 1997.

THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION FOR PHYSICALLY HANDICAPPED, DEPENDENTS OF FREEDOM FIGHTERS AND EX-SERVICEMEN) (AMENDMENT) ACT, 1997

(U. P. ACT NO. 6 OF 1997)

(As passed by the Uttar Pradesh Legislature)

AN
ACT

to amend the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen) Act, 1993.

IT IS HEREBY enacted in the Forty-eighth 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 Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen) (Amendment) Act, 1997.

(2) It shall be deemed to have come into force on July 9, 1997.

Amendment of section 2 of U. P. Act no. 4 of 1993

2. In section 2 of the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen) Act, 1993, hereinafter referred to as the principal Act,—

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

“(a) “blindness” refers to a condition where a person suffers from any of the following conditions, namely :—

(i) total absence of sight; or

(ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or

(iii) limitation of the field of vision subtending an angle of 20 degree or worse;

(aa) “cerebral palsy” means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development ;”

(b) after clause (d), the following clauses shall be inserted, namely :—

“(dd) “hearing impairment” means loss of sixty decibels or more in the better ear in the conversational range of frequencies;

(ddd) “locomotor disability” means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;

(dddd) “low vision” refers to a condition where a person suffers from impairment of visual functioning even after treatment or standard refractive correction but uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device ;”

(c) for clause (e), the following clause shall be substituted, namely :—

“(e) “Physically handicapped” means a person who suffers from :—

(i) blindness or low vision ;

(ii) hearing impairment ;

(iii) locomotor disability or cerebral palsy ;”

(d) for clause (f) the following clause shall be substituted, namely:—

“(f) words and expressions used but not defined in this Act and defined in the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 shall have the meaning assigned to them in that Act.”

3. In section 3 of the principal Act,—

Amendment of section 3

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

“(1) There shall be reserved at the stage of direct recruitment,—

(i) in public services and post two per cent of vacancies for dependents of freedom fighters and one per cent of vacancies for ex-servicemen;

(ii) in such public services and posts as the State Government may, by notification, identify one per cent of vacancies each for the persons suffering from,—

(a) blindness or low vision ;

(b) hearing impairment ; and

(c) locomotor disability or cerebral palsy.”

(b) sub-section (2) shall be omitted;

(c) in sub-section (3) for the words “Backward Classes”, the words “other backward classes of citizens” shall be substituted;

(d) sub-section (4) shall be omitted.

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

“(5) Where, due to non-availability of suitable candidates any of the vacancies reserved under sub-section (1) remains un-filled it shall be carried over to the next recruitment.”

4. In section 4 of the principal Act, sub-section (2) shall be omitted.

Amendment of section 4

5. For section 5 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 5

“5. (1) The provisions of this Act as amended by the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-servicemen) (Amendment) Act, 1997 shall not apply to cases in which selection process has been initiated before the commencement of the said Act and such cases shall be dealt with in accordance with the provisions of this Act 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.”

Repeal and
savings

6. (1) The Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-servicemen) (Amendment) Ordinance, 1997 is hereby repealed.

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no. 8 of 1997

(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.

By order,
R. D. MATHUR,
Pramukh Sachiv.

No. 1485 (2)/XVII-V-1-1(KA)-23-1999

Dated Lucknow, June 28, 1999

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 Samik Roop Se Viklang, Swatantrata Sangram Senaniyon Ke Ashir aur Bhootpurva Samikan Ke Liye Arakshan (Sanshodhan) Adhiniyam 1999 (Uttar Pradesh Adhiniyam Sankhya 29 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 27, 1999.

THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION FOR PHYSICALLY HANDICAPPED, DEPENDENTS OF FREEDOM FIGHTERS AND EX-SERVICEMEN) (AMENDMENT) ACT, 1999

[U. P. ACT No. 29 OF 1999]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen) Act, 1993.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen) (Amendment) Act, 1999.

Short title and commencement

(2) It shall be deemed to have come into force on May 21, 1999.

2. In section 2 of the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen) Act, 1993, hereinafter referred to as the principal Act, after clause (d) the following clause shall be inserted, namely :—

Amendment of section 2 of U.P. Act No. 4 of 1993

“(d-1) ‘group A post’ or ‘group B post’ means the post specified as such by the State Government from time to time :”

3. In section 3 of the principal Act, in sub-section (1) for clause (f) the following clauses shall be substituted, namely :—

Amendment of section 3

“(f) in public services and posts two per cent of vacancies for dependents of freedom fighters ;

(i-a) in public services and posts other than group ‘A’ posts or group ‘B’ posts, on and from May 21, 1999 two per cent of vacancies, and on and from the date on which the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen) (Amendment) Act, 1999 is published in the Gazette five per cent of vacancies, for Ex-servicemen ;”

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

Amendment of section 5

“(1) The provisions of this Act as amended by the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-servicemen) (Amendment) Act, 1997 shall not apply to cases in which selection process has been initiated before the commencement of the said Act of 1997 and such cases shall be dealt with in accordance with the provisions of this Act as they stood before such commencement.

(1-A) The provisions of this Act as amended by the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-servicemen) (Amendment) Act, 1999 shall not apply to cases in which selection process has been initiated before the commencement of the said Act of 1999 and such cases shall be dealt with in accordance with the provisions of this Act as they stood before such commencement.

Explanation—For the purposes of sub-sections (1) and (1-A) 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.”

Repeal and
savings

5. (1) The Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-servicemen) (Amendment) Ordinance, 1999 is hereby repealed.

(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.

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