

Rajasthan Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2015

RAJASTHAN

India

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Act 33 of 2015

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Rajasthan Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2015(Act No. 33 of 2015)Statement of Objects and Reasons. - The policy of reservation for the social, economic and educational advancement of the people belonging to backward classes of citizens in admissions to educational institutions in the State and for appointments in the services under the State has been under implementation in the State of Rajasthan for a long time.A large percentage of population of Rajasthan suffering from social and educational backwardness for many years have started enjoying the fruits of the reservation policy and have been able to improve their lot and attain a higher standard of living.There was a long standing demand from the poorest classes of the unreserved categories that due to their economic weakness they are unable to compete with the other affluent classes as a result of which they are gradually becoming socially and educationally backward. In view of their demand, a Commission was appointed to identify and examine the requirements of the economically backward classes of people of general categories not covered by the existing reservation available to the Scheduled Castes, Scheduled Tribes and Backward Classes. ^The Commission has recommended extension of the benefits of reservation to these classes of persons.In view of the above, the State Government is of the considered opinion that for the educational and economic advancement of the majority of the people of the State and to ensure the justice and equality as enshrined in our Constitution, it is necessary to continue the existing policy of reservation and to extend the benefit of reservation to Economically Backward Classes.Accordingly, it is proposed to provide for the reservation of seats in educational institutions in the State and of appointments and posts in the services under the State in favour of the Economically Backward

Classes to the extent of 14%.The Bill seeks to achieve the aforesaid objectives.Hence the Bill.[Dated 9.10.2015.][Received the assent of the Governor on the 7th day of September, 2015]An Act to provide for the reservation of seats in educational institutions in the State and of appointments and posts in the services under the State in favour of the Economically Backward Classes and for matters connected therewith or incidental thereto.Whereas, the policy of reservation for the social, economic and educational advancement of the people belonging to Backward Classes of citizens in admissions to educational institutions in the State and in appointments in the services under the State has been under implementation in the State of Rajasthan for a long time;And whereas, a large percentage of the population of Rajasthan suffering from social and educational backwardness for many years have started enjoying the fruits of the reservation policy and have been able to improve their lot and attain a higher standard of living;And whereas, the Commission constituted by the State Government to identify and examine the requirements of economically backward classes of people of general categories not covered by the existing reservation available to the Schedule Castes, Scheduled Tribes and Backward Classes has recommended extension of the benefit of reservation to the economically weaker classes;And whereas, the poorest classes of the unreserved categories, due to their economic weakness, are unable to compete with the other affluent classes, as a result of which they are gradually becoming socially and educationally backward. A Commission was appointed to identify and examine the requirements of these economically backward classes of people of general categories, not covered by the existing reservation available to the Scheduled Castes, Scheduled Tribes and Backward Classes. The Commission has recommended extension of the benefits of reservation to these classes of persons;And whereas, the State Government have, after careful consideration and looking to the extraordinary situation in the State, decided that the existing reservation in admissions to educational institutions in the State and in appointments in the services under the State, for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes should be continued and the economically weaker sections of persons of the hitherto unreserved categories as a category to be called the Economically Backward Class should be provided fourteen percent reservation beyond the existing provisions of reservation for ensuring the advancement of the majority of the people of the State of Rajasthan.Now, therefore be it enacted by the Rajasthan State Legislature in the Sixty-sixth Year of the Republic of India, as follows: -

1. Short title, extent and commencement.

(1)This Act may be called the Rajasthan Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2015.(2)It shall extend to the whole of the State of Rajasthan.(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"Economically Backward Classes" means the classes consisting of persons not included in any other category of reservation, declared as such by the State Government, by notification in the Official Gazette, for the purposes of this Act;(b)"prescribed" means prescribed by rules made under this Act;(c)"Services under the State" means the public services and posts in connection with the affairs of the State and includes the

services and posts in -(i)any local authority;(ii)any corporation or company owned or controlled, wholly or substantially, by the State Government;(iii)any other authority or body constituted by or under an Act of the State Legislature and funded, wholly or substantially, by the State; and(iv)respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under subclauses (i) to (iii);

3. Reservation of seats in educational institutions in the State.

- The reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed, for Economically Backward Classes, shall be fourteen percent.

4. Reservation of appointments and posts in the services under the State.

(1)The reservation of appointments and posts in the services under the State for the Economically Backward Classes shall be fourteen percent.(2)Notwithstanding anything contained in sub-Section (1), reservation in matters of promotion shall be only for the Scheduled Castes and Scheduled Tribes.

5. No reservation in certain cases.

- Notwithstanding anything contained in Section 4, there shall be no reservation in respect of the following posts : -(a)the posts to be filled by transfer or deputation; and(b)the post which is single (isolated) in any cadre or grade.

6. Power to make rules.

(1)The State Government may make rules for carrying out the purpose of this Act.(2)All rules made under this section shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions and, if before the expiry of the sessions in which they are so laid or of the sessions immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

7. Removal of difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty :Provided that no order under this section shall be made after the expiry of a period of two years from the

commencement of this Act.(2)Every order made under this section shall be laid, as soon as may be, after it is so made, before the House of the State Legislature.

8. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

9. Repeal and Savings.

(1)The provisions of the Rajasthan Scheduled Castes, Scheduled Tribes, Backward Classes, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act. 2008 (Act No. 12 of 2009), in so far as they relate to the reservation of Economically Backward Classes, shall, from the date of commencement of this Act, stand repealed.(2)Without prejudice to the provisions of the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955), all rules, orders, circulars etc. made or, as the case may be, issued before the commencement of this Act by the State Government in relation to reservation of seats in educational institutions and of appointments and posts in the services under the State for the Economically Backward Classes shall, in so far they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made or, as the case may be, issued under this Act as if this Act had been in force on the date on which such rules, orders, circulars etc. were made or, as the case may be, issued and shall continue in force unless and until they are superseded by any rule made under this Act.(3)Nothing in, this Act shall be deemed to have affected any orders made by the Governor in exercise of his powers under the Fifth Schedule of the Constitution of India in respect of the Scheduled Areas.