

**THE UTTAR PRADESH PUBLIC SERVICES (RESERVATION FOR
PHYSICALLY HANDICAPPED, DEPENDENTS OF FREEDOM
FIGHTERS AND EX-SERVICEMEN) ACT, 1993**

[U. P. ACT No. 4 OF 1993]

(As passed by the U.P. Legislature)

**AN
ACT**

to provide for the reservation of posts in favour of physically handicapped, dependents of freedom-fighters and ex-servicemen and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Forty-fourth 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 or Freedom Fighters and Ex-Servicemen) Act, 1993. (2) It shall be deemed to have come into force on December 11, 1993. |
| Definitions | 2- | <p>[In this Act-</p> <p>(a) "blindness" refers to a condition where a person suffers from any of the following conditions, namely:</p> <ul style="list-style-type: none">(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; <p>(aa) "cerebral palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;]¹</p> <p>(b) "dependent" with reference to a freedom fighter means,-</p> <ul style="list-style-type: none">(i) son and daughter (married or unmarried),²{(ii) grandson (son of a son) and grand daughter (daughter of a son) (married and unmarried) and;(iii) Son/daughter of the daughter, of the freedom fighter, } <p>(c) "ex-serviceman" means a person who has served in any rank, as a combatant or non-combatant, in the Indian Army, Navy or Airforce, and-</p> <ul style="list-style-type: none">(i) has retired from such service after earning his pension, or(ii) has been released from such service on medical grounds, in accordance with the requirements of such service, or because of circumstances beyond his control and has been granted medical or disability pension, or(iii) has been released, otherwise than on his own request, as a consequence of reduction in the establishment of such service, or |

1- Substituted by section 2 (a) of U.P. Act no. 6 of 1997.

2- Substituted and Inserted by section 2 of Uttarakhand Act no. 01 of 2020.

(iv) has been released from such service after a fixed specific period, but has not been released on his own request or has not been dismissed or discharged on account of misconduct inefficiency and has been granted gratuity;

and includes the following categories of territorial Army person who-

- (i) get pension for continuous embodied service,
- (ii) have become medically unfit owing to military service, and
- (iii) are winners of gallantry award,

(d) "freedom fighter" means a person domiciled in Uttar Pradesh who had participated in the freedom struggle of India and had-

- (i) laid down his life; or
- (ii) undergone sentence of imprisonment for a period of at least two months; or
- (iii) been detained in prison as an undertrial or a detainee for a period of at least three months; or
- (iv) been sentenced with at least ten canes; or
- (v) been declared as an absconder ; or
- (vi) sustained bullet injuries; or
- (vii) participated in Peshawar Kand ; or
- (viii) been a member of Indian National Army ; or
- (ix) been a certified member of India Independence League; or
- (x) been released Under the Gandhi Irwin Pact.

Explanation – For the purposes of this clause, a person who had sought and had been pardoned shall not be deemed to be a freedom fighter;

[(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;]¹

[(d-1) 'group A post or "group B post" means the post specified as such by the State Government from time to time.]³

(e) "physically handicapped" means a person who suffers from:-

- (i) blindness or low vision;
- (ii) hearing impairment;
- (iii) locomotor disability or cerebral palsy;.]²

1- Added by section 2 (b) of U.P. Act No. 06 of 1997.

2- Subs. by section 2 (c) ibid.

3- Added by section 2 (d) of U.P. Act No. 29 of 1999.

[(f) word 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.]¹

Reservation of
vacancies in
favour of
physically
handicapped
etc.

3-

²[(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 ;

(i-a) in public service and posts other than group 'A' posts of 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 Service (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.]⁷

(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.]²

(2) [xxx]³

(3) The persons selected against the vacancies reserved under sub-section (1) shall be placed in the appropriate categories to which they belong. For example, if it selected person belongs to Scheduled Castes category he will be placed in that quota by making necessary adjustments; if he belongs to Scheduled Tribes category, he will be placed in that quota by making necessary adjustments; if he belongs to [Other Backward Classes of citizens]⁴ category, he will be placed in that quota by making necessary adjustments. Similarly if he belongs to open competition category, he will be placed in that category by making necessary adjustments.

(4) [xxx]⁵

(5) [Where, due to non-availability of suitable candidates any of the vacancies reserved under sub section (1) remains unfilled it shall be carried over to the next recruitment.]⁶

Removal of
difficulties

4-

(1) 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.

1- Substituted by section 2 (d) of U.P. Act. No 6 of 1997.

2- Substituted by section 3 (a) ibid.

3- Omitted by section 3 (b) ibid.

4- Substituted by section 3 (c) ibid

5- Omitted by section 3 (d) ibid.

6- Substituted by section 3 (e) ibid

7- Substituted by section 3 of U.P Act no. 29 of 1999.

(2) [xxx]¹

(3) Every order made under sub-section (1) shall be laid, as soon as may be, before both the Houses of 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.

Savings

²[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-section (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.]³

(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.]²

Repeal and Savings

6- (1) The Uttar Pradesh Public Services (Reservation for Physically Handicapped etc.) Ordinance, 1993 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of 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.

1. Omitted by section 4 of U.P. Act. No 6 of 1997.

2. Subs. by section 5 ibid.

3. Subs. by section 4 of and U.P. Act no. 29 of 1999.