

**THE ANDHRA PRADESH ECONOMICALLY WEAKER SECTIONS OF
CITIZENS (RESERVATION OF SEATS IN EDUCATIONAL INSTITUTIONS
AND OF APPOINTMENTS OR POSTS IN THE PUBLIC SERVICES
UNDER THE STATE FOR KAPUS) ACT, 2019**

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(ACT No.14 of 2019)

(20th February, 2019)

AN ACT TO PROVIDE FOR THE RESERVATION OF SEATS IN EDUCATIONAL INSTITUTIONS IN THE STATE OF ANDHRA PRADESH AND OF APPOINTMENTS OR POSTS IN THE PUBLIC SERVICES UNDER THE STATE FOR THE ECONOMICALLY WEAKER SECTIONS OF KAPUS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS, the policy of reservation for the social, economic and educational upliftment of citizens for admissions into educational institutions and for appointments in the services under the State is being implemented in the State of Andhra Pradesh since a long time and the same is under implementation for the Backward Classes, Schedule Castes and Schedule Tribes;

AND WHEREAS, a large percentage of the population of Andhra Pradesh 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, there was a longstanding demand from the poorest classes of the unreserved categories that 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;

And WHEREAS, due to the persistent demands from the Economically Weaker Sections of the people an amendment to the Constitution was made under the Constitution (One Hundred and Third Amendment) Act, 2019 by inserting clauses 15(6) and 16(6) in the constitution in order to enable the economically weaker sections (EWSs) who are not covered under the existing scheme of reservations for the scheduled castes, the scheduled tribes and the socially and educationally backward classes to receive the benefits on a preferential basis in civil posts and services in the government and admission in educational institutions;

And WHEREAS, due to the insertion of Articles 15(6) and 16(6) in the Constitution of India, the State of Andhra Pradesh is empowered to make provision for 10% reservation to Economically Weaker Sections of Citizens in Civil posts and services in the Government of Andhra Pradesh and admission in Educational Institutions;

And WHEREAS, there was a long standing demand from the Kapu sub castes i.e., Telaga, Kapu, Ontari, Balija to provide benefits on a preferential basis in civil posts and services in the government and admission in educational institutions on the ground that due to their economic weakness they are unable to compete with the other unreserved classes, as a result of which they are gradually becoming socially and educationally backward;

And WHEREAS, the relative economic backwardness of the Kapu Sub castes i.e., Telaga, Kapu, Ontari, Balija is established by various reports before the Legislature, and because it is necessary to enable the Kapu sub castes to overcome their economic weakness and the resulting barriers of a social and institutional nature, because of which they are becoming economically backward relative to other unreserved classes;

And WHEREAS, the State of Andhra Pradesh came to a conclusion that there is every need to provide 5% reservation to Economically Weaker Section (EWS) of Citizens belonging to Kapu, Telaga, Balija and Ontari Castes who are not covered under the existing Constitutional scheme of reservation and another 5% reservation to other Economically Weaker Sections (EWSs) of citizens who are not covered under the existing Constitutional scheme of reservation for Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Class Citizens in the admission to the Educational Institutions, whether aided or unaided, other than Minority Educational Institutions, and in the appointments in the Civil Posts and Services under the State Government;

And WHEREAS, the State of Andhra Pradesh seeks to achieve the object and conception of equality as outlined by the Constitution (One hundred and Third Amendment) Act, 2019 by seeking to implement reservation of 5% reservation for Kapus as their identified and established relative economic

weakness needs to be overcome through this Bill so that they are on par with unreserved classes.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventieth year of the Republic of India as follows :-

1. Short Title, Extent and Commencement - (1) This Act may be called the Andhra Pradesh Economically Weaker Sections of citizens (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Public Services under the State for Kapus) Act, 2019.

(2) It extends to the entire State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

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

(a) "Economically Weaker Sections" 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) "Educational Institutions" means

(i) any college or other educational institution maintained by the State or receiving aid out of the State funds or affiliated to any university established by law including an university college and a constituent college, other than Minority Educational Institutions; or

(ii) any institute or training centre recognized or approved by the Government with the object of preparing, training or guiding its students for any certificate, degree or diploma or other academic distinctions granted or conferred by any university or authority established or approved in this behalf by the Government other than Minority Educational Institutions;

(c) "Government" means the State Government of Andhra Pradesh;

(d) "Kapu" means the people belonging to the Telaga, Kapu, Ontari, Balija communities of the State of Andhra Pradesh;

(e) "Notification" means a notification published in the Andhra Pradesh Gazette and the word 'Notified' shall be construed accordingly.

(f) "prescribed" means prescribed by rules made under this Act;

(g) "Public Service" means public service as defined in Andhra Pradesh(Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994.

3. Reservation of Seats in Educational Institutions for Kapus-

(1) 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 Weaker Sections of Kapus shall be five(5) percent.

(2) There shall be one-third reservation for women from the Economically Weaker Sections of Kapus within the five percent of reservation accorded to Economically Weaker Sections of Kapus in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed. The one-third reservation for women shall be Horizontal.

4. Reservations in appointments or posts in the public services under the State for Kapus - (1) The reservation of appointments and posts in the public services under the State for the Economically weaker sections of Kapus shall be five (5) percent.

(2) There shall be one-third reservation for women from the Economically Weaker Sections of Kapus within the five percent of reservation accorded to Economically Weaker Sections of Kapus for appointments and posts in the public services under the State. The one-third reservation for women shall be horizontal.

5. Power to make Rules - (1) The Government may by notification published in the Andhra Pradesh Gazette make rules for carrying out all or any of the purposes of this Act.

(2)(a) All rules made under this Act shall be published in the Andhra Pradesh Gazette and shall come into force on the day on which they are so published unless it is expressly mentioned to come into force on a particular day.

(b) All notifications issued under this Act shall come into force on the day on which they are published, unless it is expressly mentioned to come into force on a particular day.

(3) Every rule made under this Act shall be laid before each House of the State Legislature immediately if it is in session and if it is not in session, in the next session which follows immediately for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall be with effect from the date of notification of such modification or annulment in

the Andhra Pradesh Gazette is notified and have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

6. Power to remove difficulties - If there is any difficulty/hindrance arises in giving effect to the provisions of this Act, the Government may make such order not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for the purpose of removing such difficulty/hindrance:

Provided that no such orders shall be made after the expiry of two years from the date of the commencement of this Act.

7. 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.

8. Savings - (1) 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 public services under the State for the Economically Weaker Sections of Kapus 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.

(2) 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.

DUPPALA VENKATARAMANA,
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Legal and Legislative Affairs and Justice,
Law Department.