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LEGISLATIVE SUPPLEMENT

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PART - I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 12th May, 2016

No. Leg.18/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 1st April, 2016 and is hereby published for general information:-

HARYANA ACT NO. 15 OF 2016.**THE HARYANA BACKWARD CLASSES (RESERVATION IN SERVICES AND ADMISSION IN EDUCATIONAL INSTITUTIONS) ACT, 2016.**

AN

ACT

To provide for reservation in services and admission in educational institutions to persons belonging to Backward Classes in the State of Haryana and for matters connected therewith or incidental thereto.

WHEREAS clause (4) of article 15 of the Constitution of India enables the State to make special provision for the advancement of any socially and educationally Backward Classes of citizens or for the Scheduled Castes and Scheduled Tribes;

AND WHEREAS clause (5) of article 15 of the Constitution of India enables the State to make special provisions, by law, for the advancement of any socially and educationally Backward Classes of citizens or for the Scheduled Castes or Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private aided educational institutions whether aided or unaided by the State, other than minority educational institutions referred to in clause (1) of article 30 of the Constitution;

AND WHEREAS clause (4) of article 16 of the Constitution enables the State to make any provision for the reservation of appointments or posts in favour of any Backward Classes of citizens which, in the opinion of the State, is not adequately represented in the services under the State;

AND WHEREAS clause (1) of article 38 of the Constitution provides that State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life;

AND WHEREAS clause (2) of article 38 of the Constitution provides that the State shall in particular strive to minimize the inequality in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations;

AND WHEREAS under article 46 of the Constitution, the State shall promote with special care, the educational and economic interest of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitations;

AND WHEREAS the State of Haryana has decided to provide for reservation of seats in educational institutions including private educational institutions aided by the State;

AND WHEREAS the State of Haryana is of the opinion that the Backward Classes of citizens in the State are not adequately represented in the services under the State and therefore, it has been decided to provide for reservation of seats in appointments in the services under the State to Backward Classes.

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows:-

- Short title. **1.** This Act may be called the Haryana Backward Classes (Reservation in Services and Admissions in Educational Institutions) Act, 2016.
- Definitions. **2.** In this Act, unless the context otherwise requires,-
- (a) "appointment" means an appointment by direct recruitment;
 - (b) "Backward Classes" means such classes of citizens as specified in Schedule I, II or III;
 - (c) "competent authority" means an officer or an authority authorised to make admission into educational institutions or appointment in services under the State or an authority empowered by the State under sections 8 and 9, as the case may be;
 - (d) "creamy layer" means such class of persons within the Backward Classes as the State Government may, by notification in the Official Gazette specify for the purposes of this Act;
 - (e) "educational institutions" means any institution imparting education, established and maintained by the Government, or receiving aid out of the State funds, and includes Government/Government Aided Technical and Professional Institutions;
 - (f) "Government" means the Government of the State of Haryana;
 - (g) "prescribed" means prescribed by the rules made under this Act;
 - (h) "Schedule" means the Schedules appended to this Act; and
 - (i) "services" means and includes the services under the Government, the Legislature of the State, any institution of Self Government, any local authority, any corporation or company owned or controlled by the State or any such other authority.
- Reservation in services. **3.** While making appointment, reservation shall be made for the members of the Backward Classes as specified in the Schedule.
- Reservation in educational institutions. **4.** While making admissions in educational institutions, reservation shall be made for the members of the Backward Classes as specified in the Schedule.
- Restrictions with regards to creamy layer. **5.** (1) Notwithstanding anything contained in this Act, no person belonging to the creamy layer of Backward Classes shall be—
- (a) considered for admission in educational institutions against the seats reserved therein for Backward Classes as specified in the Schedule; or
 - (b) entitled to claim reservation in or be considered for appointment in services under the State against the posts reserved for Backward Classes as specified in the Schedule.
- (2) The Government shall, by notification, after taking into consideration social, economic and such other factors, as deemed appropriate, specify the criteria for exclusion and identification of persons belonging to the Backward Classes as creamy layer.
- (3) The criteria fixed under sub-section (2) shall be reviewed every three years.
- Horizontal reservation. **6.** Notwithstanding anything contained in this Act, the State Government may provide for horizontal reservation for such category or categories of persons within Backward Classes, as it may deem necessary from time to time.
- Seats for admission not to be carried forward to next year. **7.** Where the seats reserved for Backward Classes for admission in educational institutions are not filled up in any academic year due to non-availability of candidates possessing the requisite qualifications, the same shall, after the display of the final list of such admissions for that year, be made available to candidates of general categories by the educational institution.
- Competent authority to issue certificate. **8.** (1) The Government may, by notification, appoint any officer to be the competent authority for the purposes of carrying out the provisions of this Act.
- (2) The competent authority may, for the purposes of sections 3 and 4, issue caste identification certificate in terms of Schedule in such manner, as may be prescribed.
- (3) The competent authority shall exercise such powers and perform such functions, as may be prescribed.
- (4) The competent authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

- 9.** A person belonging to the Backward Class as specified in the Schedule shall, for the purposes of sections 3 and 4, support his candidature by a certificate of caste identification issued by the competent authority. Certificate of identification by competent authority.
- 10.** No suit, prosecution or other legal proceeding shall lie against the competent authority, officers of the Government for anything which is in good faith done or intended to be done under this Act, or any rule or order made thereunder. Protection of action taken in good faith.
- 11.** If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: Power to remove difficulties.
Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.
- 12.** (1) The Government shall, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
(2) Every rule made under this Act shall, as soon as possible, after it is made or issued, be laid before the State Legislature.
- 13.** The Government shall at the expiration of ten years from the coming into force of this Act and at every succeeding period of ten years thereafter, undertake revision of the Schedule. Review of Schedule.
- 14.** The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or any instrument having effect by virtue of any such law. Overriding effect.
- 15.** Notwithstanding anything contained in any judgment, decree or order of any court or other authority, the reservation made, and anything done or any action taken on the basis of such reservation, by the Government for admission to educational institutions and for appointment in the services for the Backward Classes on the date of coming into force of this Act, shall, for all purposes be deemed to be and to have always been, validly made, done or taken in accordance with law, as if this Act had been in force at all material times when such reservation has been made and such thing done or action taken. Validation.

SCHEDULE-1*(See sections 3 and 4)***BACKWARD CLASS BLOCK 'A'**

1. Aheria, Aheri, Heri, Naik, Thori or Turi, Hari
2. Barra
3. Beta, Hensi or Hesi
4. Bagria
5. Barwar
6. Barai, Tamboli
7. Baragi, Bairagi, Swami Sadh
8. Battera
9. Bharbhunja, Bharbhuja
10. Bhat, Bhatra, Darpi, Ramiya
11. Bhuhalia, Lohar
12. Changar
13. Chirimar
14. Chang
15. Chimba, Chhipi, Chimpa, Darzi, Rohilla
16. Daiya
17. Dhobi /Dhobi Rajak
18. Dakaut
19. Dhimar, Mallah, Kashyap- Rajpoot, Kahar, Jhiwar, Dhinwar, Khewat, Mehra, Nishad, Sakka, Bhisti, Sheikh-Abbasi
20. Dhosali, Dosali
21. Faquir
22. Gwaria, Gauria or Gwar
23. Ghirath
24. Ghasi, Ghasiara or Ghosi
25. Gorkhas
26. Gawala, Gowala
27. Gadaria, Pal, Baghel
28. Garhi Lohar
29. Hajjam, Nai, Nais, Sain
30. Jhangra-Brahman, Khati, Suthar, Dhiman-Brahmin, Tarkhan, Barhai, Baddi
31. Joginath, Jogi, Nath, Jangam-Jogi, Yogi
32. Kanjar or Kanchan
33. Kurmi
34. Kumhars, Prajapati
35. Kamboj
36. Khanghera
37. Kuchband
38. Labana
39. Lakhera, Manihar, Kachera
40. Lohar, Panchal-Brahmin
41. Madari
42. Mochi
43. Mirasi
44. Nar
45. Noongar
46. Nalband
47. Pinja, Penja
48. Rehar, Rehara or Re
49. Raigar
50. Rai Sikhs
51. Rechband
52. Shorgir, Shergir

53. Soi
54. Singhikant, Singiwala
55. Sunar, Zargar, Soni
56. Thathera, Tamera
57. Teli
58. Banzara, Banjara
59. Weaver (Jullaha)
60. Badi/Baddon
61. Bhattu/Chattu
62. Mina
63. Rahbari
64. Charan
65. Chaaraj (Mahabrahman)
66. Udasin
67. Ramgarhia
68. Rangrez, Lilgar, Nilgar, Lallari
69. Dawala, Soni-Dawala, Nyaaria
70. Bhar, Rajbhar
71. Nat (Muslim)

* Reservation in services:-Sixteen percent reservation shall be provided for Class III and IV posts and eleven percent in Class I and II posts.

* Reservation in admissions:- Sixteen percent reservation shall be provided for admissions in educational institutions.

SCHEDULE-II*(See sections 3 and 4)***BACKWARD CLASS BLOCK 'B'**

1. Ahir/Yadav
2. Gujjar
3. Lodh/Lodha/Lodhi
4. Saini, Shakya, Koeri,
Kushwaha, Maurya
5. Meo
6. Gosai/Gosain/Goswami

- * Reservation in services:- Eleven percent reservation shall be provided for Class III and IV posts and six percent in Class I and II posts.
- * Reservation in admissions:- Eleven percent reservation shall be provided for admissions in educational institutions.

SCHEDULE-III

(See sections 3 and 4)

BACKWARD CLASS BLOCK 'C'

1. Jat
 2. Jat Sikh
 3. Ror
 4. Bishnoi
 5. Tyagi
 6. Mulla Jat/Muslim Jat
- * Reservation in services:- Ten percent reservation shall be provided for Class III and IV posts and six percent in Class I and II posts.
- * Reservation in admissions:- Ten percent reservation shall be provided for admissions in educational institutions.

KULDIP JAIN,
Secretary to Government, Haryana,
Law and Legislative Department.