

No. 04/XXXVI(3)/2020/73(1)/2019
 Dated Dehradun, January 03, 2020

NOTIFICATION

Miscellaneous

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 Uttarakhand {the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993} (Amendment) Act, 2019' (Act No. 01 of 2020).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 02 January, 2020.

The Uttarakhand {the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993} (Amendment) Act, 2019

(Uttarakhand Act No. 01 Year 2020)

AN

ACT

Further to amend the Uttarakhand {the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993} (Adaptation and Modification order, 2002) in the context of the State of Uttarakhand.

Be it enacted by the Uttarakhand Legislative Assembly in the Seventieth year of the Republic of India as follows:

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|------------------------------|---|--|
| Short title and Commencement | 1 | (1) This Act may be called the Uttarakhand {the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993} (Amendment) Act, 2019. |
| | | (2) It shall come into force at once. |

Amendment of
Section 2

2

In Clause (b) of section 2 of the Uttarakhand {the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993} (Adaptation and Modification order, 2002), substituting sub clause (ii), sub clause (iii) shall be inserted as follows, namely:-

“(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.”

Repeal and
saving.

3

(1) The Uttarakhand {the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993} (Amendment) Ordinance, 2019 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order,

PREM SINGH KHIMAL,

Secretary.

Statement of Objects and Reasons

Uttarakhand state is getting appropriate benefits of horizontal reservation for Purva Sainik and Physically Handicapped, in the Public services of The Uttarakhand. The Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993 is also enacted in The Uttarakhand State. The word "dependent" is defined in sub clause (b) of section 2 of the above act. According to the definition of the "dependent of the freedom fighter" their son and daughter (married and unmarried), grandson (son of the son) and unmarried grand daughter (daughter of the son) are included.

2. The word "dependent" is defined by courts in various judiciary decisions and it is necessary and expedient to correct in sex based differentiations. Therefore it seems inevitable to include son/ daughter of the daughter and son/daughter of a son in word "dependent."

3. In context of the above The Uttarakhand [the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Purva Sainik) Act, 1993] (Amendment) Ordinance, 2019 was promulgated.

4. The Proposed Bill is the replacing Bill of the aforesaid Ordinance and fulfills the above objectives.

Trivendra Singh Rawat
Chief Minister