



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LVII]

SUNDAY, MAY 1, 2016/VAISAKHA 11, 1938

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 1st May, 2016.

GUJARAT ORDINANCE NO. 1 OF 2016.

AN ORDINANCE

*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 Weaker Sections of
unreserved category and for the matters connected therewith or incidental
thereto.*

WHEREAS the State Government is following and implementing
the policy of reservation for Scheduled Castes, Scheduled Tribes and
Socially and Educationally Backward Classes in admissions to the

educational institutions in the State and in the appointments in the services under the State;

AND WHEREAS, because of the effective implementation of the reservation policy for such classes, a reasonable number of persons belonging to the said classes are being benefited both socially and economically to some extent and the existing policy of reservation for these classes in the State shall continue;

AND WHEREAS, the State has received several representations from Economically Weaker Sections of unreserved categories of the society, expressing their inability to compete with the higher strata who are economically sound and as a result of which, such Economically Weaker Sections feel disadvantaged in terms of their representation in the matter of admissions in educational institutions and in the services and posts under the State;

AND WHEREAS, taking into consideration the aforesaid representations, the State Government, being enjoined to endeavour to provide reasonable opportunities to all sections of the society, is of the considered view to strive for inclusive development in the State, so that every section of the society shares the fruits of the policies of the Government;

AND WHEREAS, the State Government has, after careful consideration decided that Economically Weaker Sections of the society belonging to unreserved categories should be provided with reservation;

AND WHEREAS, the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS, the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law 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 weaker Sections of unreserved category;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. Short title, extent and commencement.- (1) This Ordinance may be called the Gujarat Unreserved Economically Weaker Sections (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Ordinance, 2016.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

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

(a) "Economically Weaker Sections" means all such sections of the society consisting of persons belonging to unreserved category who meet with the criteria provided under section 6;

(b) "local authority" means,-

(i) "Municipal Corporation" constituted under the Gujarat Provincial Municipal Corporations Act, 1949;

(ii) "Municipality" means Municipality constituted under the Gujarat Municipalities Act, 1963;

(iii) "Panchayat" means panchayat constituted under the Gujarat Panchayats Act, 1993;

(c) "prescribed" means prescribed by rules made under this Ordinance;

(d) "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 and controlled, wholly or substantially, by the State Government;

Bom. LIX of
1949.

Guj. 34 of 1964.

Guj. 18 of 1993.

- (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 is applicable on the date of commencement of this Ordinance and which are not covered under sub-clauses (i) to (iii);
- (e) "unreserved category" shall include all persons not falling within the reserved categories of Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes.

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 Weaker Sections, shall be ten per cent.

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 Weaker Sections shall be ten per cent.

(2) Notwithstanding anything contained in sub-section (1), such reservation shall not apply in the matters of promotion.

5. *No reservation in certain cases.*- Notwithstanding anything contained in section 4, there shall be no reservation in respect of the post, which is single (isolated) in any cadre or grade.

6. *Criteria for reservation.*- For the purposes of this Ordinance, reservation under sections 3 and 4 for the Economically Weaker Sections shall be as per the criteria applicable to the Socially and Educationally Backward Classes in the State.

7. Power to make rules.- (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out all or any of the purposes of this Ordinance.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the recession by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any recession or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

8. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Ordinance.

S T A T E M E N T

The State Government is following and implementing the policy of reservation for Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes in admissions to the educational institutions in the State and in the appointments in the services and posts under the State and because of the effective implementation of the reservation policy for such classes, a reasonable number of persons belonging to the said classes are being benefited both socially and educationally to some extent and the existing policy of reservation for these classes in the State shall continue.

At the same time, it is also a fact that Economically Weaker Sections of the unreserved categories of the society have expressed their inability to compete with the higher strata who are economically sound and as a result of which, such Economically Weaker Sections feel disadvantaged in terms of their representation in the matter of admissions in educational institutions and in the services and posts under the State. The State Government is aware of this situation and considers its prime duty to strive for inclusive development and address the reasonable requirement of such Economically Weaker Sections of unreserved categories of the society, so that they may also share the fruits of the policies of the Government.

It is, therefore, considered necessary to provide for ten per cent. reservation on the basis of economic status to Economically weaker Sections of the society other than the Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes for the admissions in the educational institutions and for appointments in the services and posts under the State. Such reservation shall be available to the persons of the Economically Weaker Sections of the society as per the criteria as are applicable to the persons belonging to the Socially and Educationally Backward Classes in the State.

As the Legislative Assembly of the State of Gujarat is not in session,
this Ordinance is promulgated to achieve the aforesaid object.

O. P. KOHLI,

Governor of Gujarat.

Dated the 1st May, 2016.

By order and in the name of the Governor of Gujarat,

SANJAY PRASAD,

Principal Secretary to Government.
