



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

30 कार्तिक 1945 (श10)

(सं० पटना 971) पटना, मंगलवार, 21 नवम्बर 2023

विधि विभाग

अधिसूचना

21 नवम्बर 2023

सं० एल०जी०-01-12/2023-8974/लेज।—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर माननीय राज्यपाल दिनांक 18 नवम्बर 2023 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
ज्योतिस्वरूप श्रीवास्तव,
सरकार के सचिव (प्र०)।


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[Bihar Act 19, 2023]

**THE BIHAR RESERVATION OF VACANCIES IN POSTS AND SERVICES
(FOR SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD
CLASSES) (AMENDMENT) ACT, 2023**

**AN
ACT**

To amend the Bihar Reservation of Vacancies in Posts and Services (For Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1991 (Bihar Act 03, 1992) (As amended from time to time).

Preamble:-

Whereas, the Constitution of India has ordained justice in all its facets including social, economic and political,

Whereas, State has to strive to achieve equality of status and of opportunity and to promote among them all,

Whereas, State has to strive to minimize the inequalities in income, endeavour opportunity, eliminate inequalities in status, facilities and opportunities, amongst individuals as also amongst groups of people,

Whereas, State has to promote educational and economic interests of schedule Caste/Schedule Tribe and other weaker sections,

Whereas, Article 15 and 16 of the Constitution of India has made enabling provision for affirmative action,

Whereas, in Part-IX-(A) the Constitution has mandated that seats shall be reserved for Schedule Caste and Schedule Tribe in every Panchayat and municipal Bodies and number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat / Urban Local Bodies, as the population of Schedule Caste in that area or of the Schedule Tribe in that area bears to the total population of that area,

Whereas, State should essentially have legitimate aim to secure justice, social, economic and political,

Whereas, the State Government has conducted 'Caste based Survey 2022-23' to ascertain inter alia, social, economic, educational status of its domicile,

Whereas, on analysis of data collected during 'Caste based Survey 2022-23', it is apparent that large section of backward classes, schedule caste and schedule tribe need to be promoted for them to catch up to satisfy cherished aim in the Constitution of equality in opportunity and status,

Whereas, members of SC/ST and Other Backward Classes have remained deprived and marginalized or centuries. Though, affirmative major under the Constitution and several welfare schemes have made improvement in their life to certain extent, however the ultimate goal of equality has not yet been achieved. Date further strengthens the perception that in addition to majors already in place the State is required to take further majors to accelerate ultimate object of proportional equality,

Whereas, by an amendment in the Constitution of India, 10% reservation has been provided in favour of Economically Weaker Section,

Whereas, the population of unreserved category as ascertained in course of caste based survey is about 15% including that of unreserved minority community out of the total population of the State,

Whereas 10% reservation in favour of EWS in context of their population-percentage in the State works out to be approximately 64.5%,


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Whereas the date reveals that in services of the Government members of SC/ST and Other backward Classes are still comparatively less in proportion,

Whereas it is imperative to introduce ways and means to achieve proportional equality,

Whereas, reservation in favour of S.C./S.T. and Other Backward classes needs to be revisited for not only their development but development of the State as a whole,

Now, therefore, with a view to extend the benefit to such marginalized section of the State be it enacted as follows:

Be it enacted by the Legislature of the State of Bihar in the Seventy-fourth year of the Republic of India as follows:

1. Short Title, extent and commencement.—

(1) This Act may be called "The Bihar Reservation of Vacancies in posts and services (for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Act, 2023".

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

(3) It shall come into force with immediate effect.

2. Amendment of the Bihar Reservation of Vacancies in Posts and Services (For Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1991 (Bihar Act 03, 1992):—

(a) Section-4(1), 4(2) and 4(3) of the aforesaid Act will be substituted as follows:

4. Reservation for direct recruitment .— All appointments to services and posts in an establishment which are to be filled by direct recruitment shall be regulated in the following manner, namely:—

(1) The available vacancies shall be filled up—

(a)	From open merit category	-	35%
(b)	From reserved category	-	65%

(2) The vacancies from different categories of reserved candidates from amongst the 65% reserved category shall, subject to other provisions of this Act, be as follows —

(a)	Scheduled Castes	-	20 %
(b)	Scheduled Tribes	-	02 %
(c)	Extremely Backward Class	-	25 %
(d)	Backward Class	-	18 %

Total - 65 %

Provided further that in case of promotion reservation shall be made only for Scheduled Castes/Scheduled Tribes in the same proportion as provided in this section.

(3) A reserved category candidate who is selected on the basis of his merit shall be counted against 35% vacancies of open merit category and not against the reserved category vacancies.

(b) Section-2(V) of Bihar Act 11,1993 will be deleted.

(c) Section-4(2)(e) of Bihar Act 11,1993 will be deleted.

(d) Section-4(2)(ii) of Bihar Act 11,1993 will be deleted.

(e) In Section-4(2)(iii) of Bihar Act 11,1993 mentioned "and Women of Backward Classes" will be deleted.


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