

Bill No. XLIII of 2010

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION
IN ADMISSION) AMENDMENT BILL, 2010

A

BILL

to amend the Central Educational Institutions (Reservation in Admission) Act, 2006.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2010. Short title.

2. In section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter referred to as the principal Act), after clause (i), the following clauses shall be inserted, namely:— Amendment of section 2.

5 of 2007. 5 ‘(ia) “specified north-eastern region” means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule to the Constitution;

10 ‘(ib) “State seats”, in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty as

are earmarked to be filled from amongst the eligible students of the State in which such institution is situated;’.

Amendment
of section 3.

3. In section 3 of the principal Act, the following provisos shall be inserted, namely:—

"Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated:

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (i) or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (ii) or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentages specified under clauses (i) and (ii), but such seats are—

(a) less than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, the total percentage of the seats required to be reserved for the Other Backward Classes under clause (iii) shall be restricted to the extent such sum of percentages specified under clauses (i) and (ii) falls short of fifty per cent. of the annual permitted strength;

(b) more than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (iii) and the extent of reservation of seats for the Scheduled Castes and the Scheduled Tribes under clauses (i) and (ii) shall, notwithstanding anything contained in section 6, be—

(I) reduced to fifty per cent. of the annual permitted strength in the academic year immediately succeeding the commencement of the Central Educational Institutions (Reservation in Admission) Amendment Act, 2010, in respect of a Central Educational Institution situated in any area other than the specified north-eastern region.;

(II) not reduced in respect of a Central Educational Institution situated in the specified north-eastern region.”.

Amendment
of section 4.

4. In section 4 of the principal Act, clause (a) shall be omitted.

Amendment
of section 5.

5. In section 5 of the principal Act,—

(a) in sub-section (I), for the words "number of such seats available", the words "number of such seats available or actually filled, whichever be less," shall be substituted;

(b) in sub-section (2), for the words "three years", the words "six years" shall be substituted.

Amendment
of section 6.

6. In section 6 of the principal Act, for the figures "2007", the figures "2008" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Central Educational Institutions (Reservation in Admission) Act, 2006 provides, *inter alia*, for the reservation in admission of students belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of citizens to the extent of fifteen per cent., seven and one-half per cent. and twenty-seven per cent. respectively to certain Central Educational Institutions established, maintained or aided by the Central Government. It also provides for mandatory increase of seats in such institutions over a maximum period of three years from the academic session commencing on and from the calendar year, 2007. Section 4 of the aforesaid Act further provides that the provisions of the Act are not applicable to certain Central Educational Institutions including those established in the tribal areas referred to in the Sixth Schedule to the Constitution.

2. It is noted that some of the Central Educational Institutions particularly those situated in the North-Eastern States including Sikkim (but excluding the non-tribal areas of Assam) inhabited significantly, and in some cases predominantly by tribal population and Babasaheb Bhimrao Ambedkar University, Lucknow, which has been reserving fifty per cent. seats for the Scheduled Castes and the Scheduled Tribes in keeping with the objects specified in the Act establishing that University, have been showing their inability to reduce the extent of reservation of seats for the Scheduled Castes and the Scheduled Tribes prevailing therein, in order to give way for reservation of twenty-seven per cent. of seats for the Other Backward Classes as stipulated under the Act. Further, the existing provisions of the Act exempt the Central Educational Institutions situated in the tribal areas referred to in the Sixth Schedule to the Constitution from reservation for the Scheduled Castes and the Scheduled Tribes, if any, but this was not intended while enacting the aforesaid Act, except in case of Minority Educational Institutions which are exempt in terms of clause (5) of article 15 of the Constitution. Moreover, some of the Central Educational Institutions have been finding it difficult to adhere to the time-limit of three years for creation of the requisite physical and academic infrastructure owing to various reasons beyond their control.

3. In order to remove the aforesaid practical difficulties being faced by the various Central Educational Institutions in giving effect to the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006, it has become necessary to amend certain provisions of the Act. It is also proposed to clarify that implementation of the Act has, in fact, taken effect from the calendar year 2008 and not from the year 2007 as specified in section 6 of the Act.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 2nd August, 2010.

KAPIL SIBAL

ANNEXURE

EXTRACTS FROM THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) ACT, 2006

(5 OF 2007)

* * * * *

Act not to apply in certain cases.

4. The provisions of section 3 of this Act shall not apply to—

(a) a Central Educational Institution established in the tribal areas referred to in the Sixth Schedule to the Constitution;

* * * * *

Mandatory increase of seats.

5. (1) Notwithstanding anything contained in clause (iii) of section 3 and in any other law for the time being in force, every Central Educational Institution shall, with the prior approval of the appropriate authority, increase the number of seats in a branch of study or faculty over and above its annual permitted strength so that the number of seats, excluding those reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, is not less than the number of such seats available for the academic session immediately preceding the date of the coming into force of this Act.

(2) Where, on a representation by any Central Educational Institution, the Central Government, in consultation with the appropriate authority, is satisfied that for reasons of financial, physical or academic limitations or in order to maintain the standards of education, the annual permitted strength in any branch of study or faculty of such institution cannot be increased for the academic session following the commencement of this Act, it may permit by notification in the Official Gazette, such institution to increase the annual permitted strength over a maximum period of three years beginning with the academic session following the commencement of this Act; and then, the extent of reservation for the Other Backward Classes as provided in clause (iii) of section 3 shall be limited for that academic session in such manner that the number of seats available to the Other Backward Classes for each academic session are commensurate with the increase in the permitted strength for each year.

Reservation of seats in admissions to begin in calendar year, 2007.

6. The Central Educational Institutions shall take all necessary steps, which are required in giving effect to the provisions of sections 3, 4 and 5 of this Act, for the purposes of reservation of seats in admissions to its academic sessions commencing on and from the calendar year, 2007.

* * * * *

RAJYA SABHA

A

BILL

to amend the Central Educational Institutions (Reservation in Admission) Act, 2006.

(Shri Kapil Sibal, Minister of Human Resource Development)