



**KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
SIXTH SESSION**

**THE NATIONAL LAW SCHOOL OF INDIA (AMENDMENT) BILL, 2020
(LA Bill No. 03 of 2020)**

A Bill further to amend the National Law School of India Act, 1986.

Whereas, it is expedient to amend the National Law School of India Act, 1986 (Karnataka Act 22 of 1986) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy First year of the Republic of India as follows.-

1. Short title and commencement.- (1) This Act may be called the National Law School of India (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 4.- In section 4 of the National Law School of India Act, 1986 (Karnataka Act 22 of 1986) after sub-section (2), the following shall be inserted, namely:-

"(3) Notwithstanding anything contained in this Act and the regulations made thereunder, the school shall reserve horizontally twenty five percent of seats for students of Karnataka.

Explanation:For the purpose of this section "student of Karnataka" means a student who has studied in any one of the recognized educational institutions in the State for a period of not less than ten years preceding to the qualifying examination."

STATEMENT OF OBJECTS AND REASONS

Whereas there are 19 National Law School Universities in India wherein horizontal reservation of State domicile is provided as under:-

- (1) 25% of seats are horizontally reserved for candidates of domicile of State of Madhya Pradesh in National Law School University, Bhopal.
- (2) 10% of seats are reserved for Punjab residents in Rajiv Gandhi National University, Punjab.
- (3) 30 seats are reserved for permanent residents of Assam in National Law University and Judicial Academy, Assam.
- (4) 80 seats out of 258 seats are reserved for candidates of domicile of Uttar Pradesh in Dr. Ram Manohar Lohia National Law University, Lucknow.
- (5) 30 seats out of 120 seats are reserved for General Candidates of Andhra Pradesh in Damodar Sanjivayya National Law University, Vishakhapatnam, Andhra Pradesh.
- (6) 16 General Tamil Nadu seats are filled out of 54 seats in Tamil Nadu National Law School Tiruchirappalli, Tamil Nadu.
- (7) 16 seats out of 81 seats are reserved for residents of Telangana in National Academy of Legal Studies and Research University, Hyderabad.
- (8) 80 seats out of 187 seats are filled horizontally by Chattisgarh domicile students in Hidayatulla National Law University, Raipur.

Whereas National Law School of India University, Bangalore is a creature of the State Legislature. No reservation is provided in the said University for Karnataka Students and they are deprived of this opportunity. Institutional reservation for Karnataka Students is permissible as per the Hon'ble Supreme Court Judgement in Sourabh Choudary v/s Union of India (2003) 11 SCC 146 and in Sourabh Dwivedi v/s Union of India (2017) SCC 626 dt.7-6-2017 upto the extent of 50% in undergraduate Courses.

In Yatin Kumar Jasubhai Patel v/s State of Gujarat in W.A.No.7939 of 2019. Dt.4-10-2019 the Hon'ble Supreme Court has held as follows:-

“The decision of this Court in the case of Dinesh Kumar (Dr.) (II) (supra) permitting 25% Institutional Preference has been distinguished by a Constitutional Bench of this Court in the case of Sourabh Chaudri (supra). Therefore, once the Institutional Preference to the extent of 50% of the total number of open seats has held to be permissible, in that case, thereafter it will be for the appropriate authority/State to

consider how much percentage seats are to be reserved for Institutional Preference/Reservation. It will be in the realm of a policy decision and this Court cannot substitute the same, unless it is held to be arbitrary and/or mala fide and/or not permissible. As observed hereinabove, a five Judge Bench of this Court in the case of Sourabh Chaudri (supra) has categorically allowed/permitted/approved the Institutional Preference/Reservation in the post graduate medical courses to the extent of 50% of the total number of open seats.”

Now therefore initially it is considered necessary to provide for 25% of seats to Karnataka Students in National Law School of India, University Bangalore by amending the Karnataka National Law School of India Act, 1986 (Karnataka Act 22 of 1986).

Hence the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative measure.

J.C MADHU SWAMY

Minister for Law, Parliamentary Affairs and
Legislation and Minor Irrigation

M.K. Vishalakshi

Secretary (I/c)
Karnataka Legislative Assembly

ANNEXURE
Extract from the National Law School of India Act, 1986
(Karnataka Act No. 22 of 1986)

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4. The Objects of the School etc.-

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(2) The School shall be open to all persons of either sex irrespective of race, creed, caste or class of all religions and it shall not be lawful for the school to impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.

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