

Bill No. 68 of 2025

THE RESERVATION FOR THE OTHER BACKWARD CLASSES,
THE SCHEDULED CASTES AND THE SCHEDULED TRIBES IN
ADMISSION IN PRIVATE EDUCATIONAL INSTITUTIONS
(AIDED AND UN-AIDED) BILL, 2025

By

SHRI DHARMENDRA YADAV, M P

A

BILL

to provide for reservation in favour of persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in admissions in private educational institutions (aided and un-aided) and for matters connected therewith.

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

1. (1) This Act may be called the Reservation for the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in Admission in Private Educational Institutions (aided and un-aided) Act, 2025

Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “prescribed” means prescribed by rules made under this Act and published in Gazette; and 5

(b) “private educational institution” means any school, college, institution or university imparting primary, elementary, secondary, higher secondary or higher education including medical and technical education as recognized by the appropriate Government, whether aided or unaided, whether owned partly or wholly by a private person or trust, society, or company but does not include a minority educational institutions. 10

Government to give incentive to Private Sector to provide reservation.

3. (1) The Central Government shall provide appropriate incentives to private educational institutions for making provisions for reservation in favour of persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in admission in such private educational institutions. 15

(2) The incentives as provided in sub-section (1) may include—

(i) special concessions under various existing Central schemes;

(ii) allotment of land on lease for educational institutions at lower prices; and

(iii) loans from nationalized banks at reduced rate of interest. 20

Annual Report.

4. The Central Government shall cause to be laid an annual report before both the Houses of Parliament about the action taken under this Act.

Savings.

5. The provision of this Act shall be in addition to, and not in derogation of any provision of any other law for the time being in force.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 25

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 30 35

STATEMENT OF OBJECTS AND REASONS

Presently, reservation is given to Other Backward Classes, Scheduled Castes and Scheduled Tribes students in admission in Government owned educational institutions, except in the minority institutions of the Central Government, but there is no provision of reservation in favour of Other Backward Classes, the Scheduled Castes and the Scheduled Tribes students for admissions in private educational institutions.

The Constitution (One Hundred and Third Amendment) Act, 2019 allows reservation upto 10 percent for economically weaker sections of society for admission to government and private educational institutions (aided and unaided), excluding minority institutions. The Constitution (One Hundred and Third Amendment) Act, 2019 inserted new Articles 15(6) and 16(6) in the Constitution of India. These articles enable States to provide reservation upto 10 percent for economically weaker sections in Government jobs and Government educational institutions. Based on this, the government implemented the scheme of 10 percent reservation for EWS in January 2019. Several writ petitions were filed in the Supreme Court challenging the validity of the 103rd Amendment Act of the Constitution, 2019. The Constitution Bench by a majority judgment dated 07.11.2022 upheld the validity of The Constitution (One Hundred and Third Amendment) Act, 2019 and dismissed all the writs.

There are many schemes and special provisions for the welfare of the persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in the country. However, despite all these measures, no major change is visible in their educational status. In this situation, in order to ensure their overall and holistic development, reservation in admission of Other Backward Classes, the Scheduled Castes and the Scheduled Tribes students in private educational institutions of the country (Aided or Un-aided) is of utmost importance.

At present, there is no provision for reservation in admission of students belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in private educational institutions (aided or unaided) in the country. However, the government cannot impress upon the private educational institutions to provide reservation for them. In such a situation, these institutions can be encouraged to provide reservation in admission to students belonging to Other Backward Classes, the Scheduled Castes and the Scheduled Tribes by providing concessions and special schemes to private educational institutions.

Hence this Bill.

NEW DELHI;
March 3, 2025

DHARMENDRA YADAV

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to provide for reservation in favour of persons belonging to the Other Backward Classes, the Scheduled Castes and the Scheduled Tribes in admissions in private educational institutions (aided and un-aided) and for matters connected therewith.

(Shri Dharmendra Yadav, M P)