

Bill No. 83 of 2020

THE RESERVATION FOR THE OTHER BACKWARD CLASSES,
THE SCHEDULED CASTES AND THE SCHEDULED TRIBES IN
ADMISSION IN PRIVATE EDUCATIONAL
INSTITUTIONS BILL, 2020

By

SHRI GANESH SINGH, M.P.

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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 and for matters connected therewith.

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

5 **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 Act, 2020.

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

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(b) "private educational institution" means any school, college, institutions 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 or society, or any such teaching institutions in which the Central Government or the State Government has no financial interest but does not include a minority educational institution.

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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;

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(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

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

Annual Report.

4. The Central government shall cause to be laid an annual report before both 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.

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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.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of 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 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.

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STATEMENT OF OBJECTS AND REASONS

At present, except in the minority institutions, reservation has been given to Other Backward Classes, Scheduled Castes and Scheduled Tribes students in the matter of admission in government owned educational institutions, 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.

By way of amendment in the Constitution (103rd Amendment), reservation of maximum ten percent for the economically weaker sections has been allowed for admission in government and private educational institutions (whether aided or unaided) except minority educational institutions.

There are many schemes and special provisions for the welfare of the persons belonging to the Other Backward Classes, the Scheduled Castes and Scheduled Tribes in the country. However, despite all these measures, no major changes have been visible in their economic, educational and social status. In this situation, to ensure their all around and overall development, reservation in admission to other backward classes, Scheduled Castes and Scheduled Tribes students in private educational institutions of the country (whether aided or unaided) is of utmost importance.

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

Hence, this Bill

NEW DELHI;
February 17, 2020.

GANESH SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

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(Shri Ganesh Singh, M.P.)