

Bill No. IX of 2015

THE CHILDREN BELONGING TO THE SCHEDULED CASTES AND
THE SCHEDULED TRIBES (RESERVATION AND COMPULSORY
DISPLAY OF SEATS BY EDUCATIONAL INSTITUTIONS)
BILL, 2015

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BILL

to provide for reservation and compulsory display of seats for the children belonging to the Scheduled Castes and the Scheduled Tribes for admission in educational institutions and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Children Belonging to the Scheduled Castes and the Scheduled Tribes (Reservation and Compulsory Display of Seats by Educational Institutions) Act, 2015.

Short title,
and
commencement.

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

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

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

10 (ii) "educational institution" means a Government school or a Government aided school or a private school or an institution, by whatever name called, offering education upto primary or secondary or senior secondary level; and

(iii) "prescribed" means prescribed by rules made under this Act.

(iv) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the constitution of India.

Reservation of seats for children belonging to the Scheduled Castes and the Scheduled Tribes.	<p>3. There shall be reserved such number of seats in each class for children belonging to the Scheduled Castes and the Scheduled Tribes in every educational institution, as the appropriate Government may, by notification in the Official Gazette, specify.</p>	5
Compulsory display of seats reserved in each class for children belonging to the Scheduled Castes and the Scheduled Tribes.	<p>4. (1) Every educational institution shall compulsorily display the seats reserved in each class for children belonging to the Scheduled Castes and the Scheduled Tribes.</p> <p>(2) The seats reserved under sub-section (1) shall be displayed outside the main gate and at every exit point of the institution in such manner as may be prescribed.</p> <p>(3) No child belonging to the Scheduled Caste or the Scheduled Tribe, if he fulfills the eligibility conditions as prescribed under this Act, for admission shall be denied admission in any educational institution.</p>	10
Penalty.	<p>5. If any educational institution violates the provisions of this Act, the head or the chairperson of the management of such institution, as the case may be, by whatever name called, shall be subject to such disciplinary action as may be prescribed and shall also be liable to a fine which shall not be less than fifty thousand rupees.</p>	15
Power to remove difficulties.	<p>6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:</p> <p>Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.</p> <p>(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.</p>	20
Act to have overriding effect.	<p>7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.</p>	
Act not to apply to minority educational institutions.	<p>8. (1) The provisions of this Act shall not apply to minority educational institutions.</p> <p>(2) Nothing in sub-section (1) [of section 8,] shall prevent a minority educational institution in extending the provisions of this Act to such institution voluntarily.</p>	30
Power to make rules.	<p>9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(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.</p>	35 40

STATEMENT OF OBJECTS AND REASONS

It has been observed that the children belonging to the Scheduled Castes and the Scheduled Tribes are denied admission in the schools and other institutions for reasons of non-availability of seats. In spite of various measures taken by the Government from time to time to ensure that no child belonging to the Scheduled Castes and the Scheduled Tribes is denied admission in schools or institutions, a number of students are left out from admission process for several reasons. It has, therefore, become necessary that a legislation be brought forward to provide for statutory reservation of seats in each class for children belonging to the Scheduled Castes and the Scheduled Tribes and to fix the responsibility of the head of the school or institution concerned to display these reserved seats to facilitate admission of such children in a transparent manner. In case, the head of the school or institution or the chairperson of the management of the school fails to display the seats reserved on each class or denies admission to such eligible children, disciplinary action may be initiated against him in addition to a fine of not less than rupees fifty thousand.

Hence this Bill.

P.L. PUNIA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 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.

RAJYA SABHA

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to provide for reservation and compulsory display of seats for the children belonging to the Scheduled Castes and the Scheduled Tribes for admission in educational institutions and for matters connected therewith and incidental thereto.

(Shri P.L. Punia, M.P.)