

Bill No. XV of 2021

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN
ADMISSION) AMENDMENT BILL, 2021

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BILL

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

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

1. (1) This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2021.

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 section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter referred to as the principal Act),—

5 of 2007.

Amendment of section 2.

(i) after clause (e), the following clause shall be inserted, namely:—

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“(ca) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government.”

(ii) after clause (e), the following clause shall be inserted, namely:—

“(ea) “government school” means any recognised school managed by the appropriate Government, imparting elementary or higher secondary education or both and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority; 5

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority; and

(iii) corporation schools, municipal schools, tribal welfare schools, forest department schools and other schools managed by the Government departments.” 10

Amendment
of section 3.

3. In section 3 of the principal Act, after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iv) out of the annual permitted strength in each branch of study or faculty, ten percent seats shall be reserved horizontally for the students of government schools in so far as by doing so the total reservation does not exceed fifty per cent in any case: 15

Provided that where reservation exceeds fifty percent by the reservation of ten percent seats for students of government schools, reservation of seats shall be provided up to the maximum extent possible without breaching the ceiling of total reservation of fifty per cent.” 20

STATEMENT OF OBJECTS AND REASONS

India is the world's 2nd largest populated country and hosts pluralism in culture, religion, ethnicity, language and multilayered caste system which often imposes challenges on the Indian government to structure and manage a harmonious society. The challenges include creating equal employment opportunities, providing and allocating equal distribution of resources and funds of the government and making education available to all citizens of India without discrimination on the grounds of their religion, caste, race, sex, socio-economic background etc. In order to overcome such challenges, the government uses reservation as a tool for the smooth administration of the country.

The term reservation can be described as 'certain policy measures or the techniques adopted by the Indian governance in order to empower, promote and uplift those social segments or members of community which have remained backward, or discriminated, or historically oppressed, by reserving their access to seats or quota for admission into educational institutes, in governmental jobs, and legislatures.

Students from government schools and those studying in private schools hail from different socio-economic backgrounds. Considering these disparities, it would be unfair to weigh them on an equal footing. Students from government schools must get access to quality education and a chance to fulfil their dreams. Those who are brilliant must not be stopped because of social or economic boundaries. Professional courses are the stepping stone towards a bright future of young talents in the country. Providing reservation to students from government schools in Central Educational Institutions would be a step in the right direction considering the principles of equality under article 14 and non-discrimination under article 15 as enshrined under the Constitution of India. If implemented across the country, this reservation policy may also help in increasing the enrolments in government schools.

Affirmative action by the Government is the need of the hour to place students from all walks of life at an equal footing to secure their future and thereby ensure that students from weaker socio-economic backgrounds do not suffer in the long run. Suitable amendment is, therefore, required in the Central Educational Institutions (Reservation in Admission) Act, 2006.

Hence this Bill.

DR. AMAR PATNAIK

ANNEXURE

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

(5 OF 2007)

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Definitions.

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

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(c) “appropriate authority” means the University Grants Commission, the Bar Council of India, the Medical Council of India, the All India Council for Technical Education or any other authority or body established by or under a Central Act for the determination, coordination or maintenance of the standards of higher education in any Central Education Institution;

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(e) “Faculty means the faculty of a Central Educational Institutions;

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Reservation of seats in Central Educational Institutions.

“3. The reservation of seats in admission and its extent in a Central Educational Institution shall be provided in the following manner, namely:—

(i) out of the annual permitted strength in each branch of study or faculty, fifteen per cent. seats shall be reserved for the Scheduled Castes;

(ii) out of the annual permitted strength in each branch of study or faculty, seven and one-half per cent. seats shall be reserved for the Scheduled Tribes;

(iii) out of the annual permitted strength in each branch of study or faculty, twenty-seven per cent. seats shall be reserved for the Other Backward Classes:

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 of immediately preceding the date of commencement of this Act, in that case no seats shall be reserved for the Other Backward Classes under clause (iii) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Educational Institutions in the specified north-eastern region.”

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RAJYA SABHA

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

(Dr. Amar Patnaik, M.P.)

MGIPMRND—2006RS(S3)—07-02-2022.