BAREILLY INTERNATIONAL UNIVERSITY

(Established Under Govt. of U.P. Act 26 of 2016)
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Copy of Letter issued by State Govt

SUSHIL KUMAR THAKUR

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No.1043 /VII-V–1-1(ka)21-2006
Dated Lucknow, September 8, 2006

NOTIFICATION

MISCELLANEOUS

IN pursuance of the provision of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Shaikshanik Sansthon Me Pravesh (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhare Vergon Ke Liya Arakshan) Adhiniyam. 2006 (Uttar Pradesh Adhiniyam Sankhya 23 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 7, 2006.

THE UTTAR PRADESH ADMISSION TO EDUCATIONAL INSTITUTIONS RESERVATION FOR SCHEDULED CASTES, SCHEDLED TRIBES AND OTHER BACKWARD CLASSES) ACT , 2006

(U.P. Act No. 23 of 2006)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to provide for the reservation in admission to educational institutions including private educational institutions,whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constituion of India, in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes and other backward classes of citizen and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows :–

Short title and commencement

1.(1) This Act may be called the Uttar Pradesh Admission to Educational Institutions (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 2006.

(2) It shall be deemed to have come into force on July 10, 2

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Applicability

2. This Act shall apply to all admissions taking place in Educational Institutions, including private Educational Institutions, whether Aided or unaided by the State, other than the Mionrity Educational Institutions referred to in clause (1) of the Article 30 of the Constitution of India.

Definitions

3. In this Act, unless the context otherwise requires,

(*a*) "academic year in relation to an admission" means a period of twelve months commencing on the first day of July of a calender year within which the process of admission is initiated;

(*b*) "aided institution" means a private educational institution, excluding minority institution, receiving recurring grants-in-aid or financial assistance in whole or in part from the State Government or from any body under the control of State Government disbursing grants-in-aid or financial assistance;

(*c*) "general candidate" means a candidate selected on the basis of merit on an unreserved seat;

(*d*) "Head of the institution" means the President or the Manager or the Secretary of a society running the institution and includes the Director, the Principal or any Administrative Head of the institution;

(*e*) "educational institution" means–

(*i*) a college or a school or an institution, by whatever name called, imparting education approved or recognized by a competent Statutory Body and affiliated to a State University, including a Private University established or incorporated by an Act of the State Legislature or a constituent unit of a deemed to be University defined under section 3 of the University Grants Commission Act, 1956 imparting education.

(*ii*) a college or a school or an institution, by whatever name called, imparting professional courses, approved or recognized by the Competent Statutory Body leading to the award of a degree, diploma or a certificate, by whatever name called.

(*f*) "other backward classes or citizens" means the Other Backward Classes or Citizens specified in the Scheduled-1 to the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Schedule Tribes and Other Backward Classes) Act, 1994.

(*g*) "Private Institution" means an educational institution not established or maintained by State Government or any Public Body;

(*h*) "Professional Course" means a course of study notified as a professional course by the Competent Statutory Body leading to the award of a degree, diploma or certificate by whatever name called;

(*i*) "Reserved Seat" means a seat reserved for the Scheculed Castes, Scheduled Tribes or other backward classes of citizens;

(*j*) "Sanctioned Intake" means and inplies the total number of seats sanctioned by an authority notified by the State Government for admitting students in each course of study in an Institution;

(*k*) "State University" means a University established or incorporated by an Act of the State Legislature;

(*l*) "Unaided Institution" means a private [illegible] not being an Aided Institution;

(*m*) "Unreserved Seat" means a seat other [illegible]

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Reservation in favour of Scheduled Castes, Scheduled Tribes and other backward classes

4. (1) In admission to educational institutions, including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, there shall be reservation at the stage of admission in the following percentage of sanctioned intake to which admission is to be made in favour of person belonging to Scheduled Castes, Scheduled Tribes and other backward classes of citizens, in the academic year–

(a)	in the case of Scheduled Castes	twenty one per cent
(b)	in the case of scheduled Tribes	two per cent;
(c)	in the case of other backward classes of citizen	twenty seven per cent;

(2) In respect of any academic year if any vacancy recerved for any category of persons under sub-section (1) remains unfilled, another special admission drive shall be made to fill such vacancy from amongst the person belonging to that category.

(3) If in the special admission drive referred to in sub-section (2) suitable candidates belonging to the Scheduled Tribes are not available to fill the vacancy reserved for them, such vacancy shall be filled by persons belongings to the Scheduled Castes.

(4) Where, due to non-availability of suitable candidates, any of the seats reserved under sub-section (1) remains unfilled even after special admission drive referred to in sub-section (2), or sub-section (3), then such vacancy shall be filled by any other suitable candidate, on the basis of merit.

(5) If a person belonging to any of the categories mentioned in sub-section (1) gets selected on the basis of merit as a general candidate, and if he wants to remain as a general candidate, then he shall not be adjusted against the vacancies reserved for such category under sub-section (1).

Responsibility and powers for compliance of the Act

5. The State Government may, by a notified order, entrust the Head of the Institution or any officer or employee of the Institution with the responsibility of ensuring the compliance of the provision of this Act.

Penalty and withdrawal of affiliation

6. (1) Any Head of the Institution or any officer or employee of the institution entrusted with the responsibility under section 5 wilfully acts in a manner intended to contravene or defeat the purposes of this Act shall be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

(2) No court shall take cognizance of an offence under this section except with the previous sanction of the State Government or an officer authorized in this behalf by the State Government by an order.

(3) An offence punishable under sub-section (1) shall be tried summarily by a Metroplitan Magistrate or a Judicial Magistrate of the first class and the provisions of sub-section (1) of section 262, section 263, section 264 and section 265 of the Code of Criminal Procedure, 1973 shall *mutatis mutandis* apply.

(4) Where the State Government or any officer or an authority authorised by it is satisfied that any institution has violated any provision of this Act or the rules or the orders made thereunder by the State Government, it may recommend to the appropriate statutory body for the withdrawal of the affiliation fo recognition of such institution.

Power to call for record

7. If it comes to the notice of the State Government that any person belonging to any of the categories mentioned in sub-section (1) of section 4 has been adversely affected on account of non-compliance of the provisions of this Act or the rules made thereunder or the Government orders, it may call for such records from the concerned institution and take such action as it may consider necessary.

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Admission Committee

8. The State Government may, by order, provide for nomination of officers for giving representatlon to the Scheduled Castes, Scheduled Tribes and other backward classes of citizen in the Admission Committee to such extent and in such manner as may be prescribed.

Caste cercificate

9. For the purpose of reservation provided under this Act, caste certificate shall be issued by such authority or officer as may be notified by the State Government and in such manner and in such form as the State Government may, by order, provide.

Removal of difficulties

10. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an notified order, make Such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty.

Protection of action taken in good faith

11. No suit, prosecution or any other legal proceeding shall lie against the State Government or any person for anything which is in good faith done or intended to be done, in pursuance of this Act or the rules made thereunder.

Power to make rules

12. The State Government may, by notification, make rules for carrying out the purpose of this Act.

Laying of Order etc.

13. Every order made under section 5 and section 9 shall be laid, as soon as may be, before both the Houses of the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

Repeal and saving

14. (1) The Uttar Pradesh Admission to educational institutions (Reservation for Schedule Castes Schedule tribes and other backward classes) Ordinance, 2006 is hereby repealed. U.P. Ordinance no. 2 of 2006

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The State Government have been empowered by the Constitution Ninety-third Amendment to make special provisions regarding admission to the educational institution including private educational institutions, whether aided or unaided by the State other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India in favour of the persons belonging to the Scheduled Caste, Scheduled Tribes and other backward Classes of citizen. It was, therefore, decided to make a law to provide for the reservation in admission to the said educational institutions in favour of the said persons.

Since the State Legislature was not in session and immediate Lagislature action was necessary to implement the aforesaid decission, the Uttar Pradesh Admission to Educational Institution (Reservation for Schedule Castes, Schedule Tribes and other Backward Classes) Ordinance, 2006 (U.P. Ordinance no. 2 of 2006)was promulgated by the Governor on July 10, 2006.

This Bill is intriduced to replace the aforesaid Ordinance.

By order,
R. M. CHAUHAN,
Pramukh Sachiv.

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