



PARLIAMENT OF INDIA

RAJYA SABHA

234

**DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON HUMAN RESOURCE DEVELOPMENT**

TWO HUNDRED THIRTY FOURTH REPORT

ON

**THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION
IN ADMISSION) AMENDMENT BILL, 2010**

**(PRESENTED TO THE RAJYA SABHA ON 25th FEBRUARY, 2011)
(LAID ON THE TABLE OF LOK SABHA ON 25th FEBRUARY, 2011)**

**RAJYA SABHA SECRETARIAT
NEW DELHI**

FEBRUARY 2011/, PHALGUN, 1932 (SAKA)

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**COMPOSITION OF THE COMMITTEE ON HRD
(2010-11)**

RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Shrimati Mohsina Kidwai
3. Dr. K. Keshava Rao
4. Shri Prakash Javadekar
5. Shri M. Rama Jois
6. Shri Pramod Kureel
7. Shri N.K. Singh
8. Shrimati Kanimozhi
9. Dr. Janardhan Waghmare
10. Shri N. Balaganga

LOK SABHA

11. Shri Kirti Azad
12. Shri P.K. Biju
13. Shri Jeetendra Singh Bundela
14. Shri Angadi Suresh Chanabasappa
15. Shrimati J. Helen Davidson
16. Shri P.C. Gaddigoudar
17. Shri Rahul Gandhi
18. Shri Deepender Singh Hooda
19. Shri Prataprao Ganpatrao Jadhao
20. Shri Suresh Kalmadi
21. Shri P. Kumar
22. Shri Prasanta Kumar Majumdar
23. Capt. Jai Narain Prasad Nishad
24. Shri Sheesh Ram Ola
25. Shri Tapas Paul
26. Shri Brijbhushan Sharan Singh
27. Shri Ashok Tanwar
28. Shri Joseph Toppo
29. Dr. Vinay Kumar Pandey 'Vinnu'
30. Shri P. Viswanathan
31. Shri Madhu Goud Yaskhi

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri N.S.Walia, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Smt. Himanshi Arya, Committee Officer
Smt. Harshita Shankar, Committee Officer

(i)

PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Human Resource Development, having been authorized by the Committee, present this Two Hundred and Thirty Fourth Report of the Committee on the Central Educational Institutions (Reservation in Admission) Amendment Bill, 2010*.

2. The Central Educational Institutions (Reservation in Admission) Amendment Bill, 2010 was introduced in the Rajya Sabha on 6 August, 2010. In pursuance of Rule 270 relating to Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha referred** the Bill to the Committee on 10 August, 2010 for examination and report.

3. The Committee considered the Bill in two sittings held on 10 December, 2010 and 14th February, 2011.

4. On 10 December, 2010, the Committee heard the Secretary, Department of Higher Education on various provisions of the Bill.

5. The Committee, while drafting the Report, relied on the following:-

- (i) Background Note on the Bill and Note on the clauses of the Bill received from the Department of Higher Education;
- (ii) Presentation made and clarifications given by the Secretary, Department of Higher Education; and
- (iii) Feedback received from the Department on the questionnaire and the issues raised by the Members during the course of the oral evidence of the Secretary.

6. The Committee considered the Draft Report on the Bill and adopted the same in its meeting held on 14th February, 2011.

7. For facility of reference, observations and recommendations of the Committee have been printed in bold letters at the end of the Report.

NEW DELHI;
FEBRUARY 14, 2011
MAGHA 11, 1932 (Saka)

OSCAR FERNANDES
Chairman,
Department-related Parliamentary
Standing Committee on Human Resource Development.

(ii)

*Published in Gazette of India Extraordinary Part II Section 2 dated the 6th August, 2010
** Rajya Sabha Parliamentary Bulletin Part II No. 47556 dated the 10th August, 2010

REPORT

1.1 The Central Educational Institutions (Reservation in Admission) Amendment Bill, 2010 was introduced in the Rajya Sabha on 6 August, 2010 and referred to the Department-related Parliamentary Standing Committee on Human Resource Development on 10 August, 2010 for examination and report thereon.

1.2 The Central Educational Institutions (Reservation in Admission) Amendment Bill, 2010 seeks to amend the Central Educational Institutions (Reservation in Admission) Act, 2006 which provides inter alia for the reservation in admission of students belonging to the Scheduled Castes, the Scheduled Tribes and the other Backward Classes of citizens to the extent of fifteen per cent., seven and one-half per cent. and twenty-seven per cent. respectively to certain Central Educational Institutions established , maintained or aided by the Central Government. It also provides for mandatory increase of seats in such institutions over a maximum period of three years from the academic session commencing on and from the calendar year, 2007. Section 4 of the aforesaid Act further provides that the provisions of the Act are not applicable to certain Central Educational Institutions including those established in the tribal areas referred to in the Sixth Schedule to the Constitution.

1.3 Statement of Objects and Reasons appended to the Bill states as follows:

“Some of the Central Educational Institutions, particularly those situated in the North-Eastern States including Sikkim (but excluding the non-tribal areas of Assam) inhabited significantly, and in some cases predominantly by tribal population and Babasaheb Bhimrao Ambedkar University, Lucknow, which have been reserving fifty per cent seats for the Scheduled Castes and Scheduled Tribes, in keeping with the objects specified in the Act establishing that University, have been showing their inability to reduce the extent of reservation of seats for the Scheduled Castes and the Scheduled Tribes prevailing therein, in order to give way for reservation of twenty-seven per cent of seats for the Other Backward Classes as stipulated under the Act. Further, the existing provisions of the Act exempt the Central Educational Institutions situated in the tribal areas referred to in the Sixth Schedule to the Constitution from reservation for the Scheduled Castes and the Scheduled Tribes, if any. But this was not intended while enacting the aforesaid Act, except in case of Minority Educational Institutions which are exempt in terms of clause (5) of Article 15 of the Constitution. Moreover, some

of the Central Educational Institutions have been finding it difficult to adhere to the time-limit of three years for creation of the requisite physical and academic infrastructure owing to various reasons beyond their control.

In order to remove the aforesaid practical difficulties being faced by the various Central Educational Institutions in giving effect to the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006, it has become necessary to amend certain provisions of the Act. It is also proposed to clarify that implementation of the Act has, in fact taken effect from the calendar year 2008 and not from the year 2007 as specified in section 6 of the Act.”

1.4 The Department of Higher Education in their Background Note on the Bill summarized the practical difficulties experienced by some of the CEIs in giving effect to the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006 as under:-

- (i) Babasaheb Bhimrao Ambedkar University (BBAU) Lucknow, established as an institution intended to pay special attention to the promotion of educational and economic interests and welfare of the members belonging to the SCs and STs, has been providing 50 per cent reservations for the SCs/STs. Provision of reservation of 27 per cent seats for the OBCs, over and above the existing 50 per cent limit for SCs and STs, the total reserved seats would exceed the 50 per cent limit stipulated by the Supreme Court in the Indra Sawhney case.
- (ii) Ordinances of Nagaland University, Mizoram University, Manipur University, Rajiv Gandhi University (Arunachal Pradesh) and Tripura University already provide for reservation of higher percentage than 15 per cent of seats for SCs or 7.5 per cent of seats for STs, owing to the composition of population in these States. Further, in view of these CEIs having adopted the respective State Government norms requiring them to reserve more than 7.5 per cent of seats for STs have expressed difficulties in giving effect to the provisions of the Act.
- (iii) Section 4 of the Act provides, inter-alia that the provisions of Section 3 of the Act envisaging reservation of 27 per cent seats for the OBCs, in addition to 15 per cent seats for the SCs and 7½ per cent seats for the OBCs, shall not apply to a CEI established in the tribal areas referred to in the Sixth Schedule to the Constitution. The said exemption implies, inter-alia, that the CEIs established in the tribal areas referred to in the Sixth Schedule to the Constitution shall no longer be governed by the reservation policy for the SCs and STs, if any, in force immediately preceding the date of the coming into force of the said Act which was certainly not the intention of Parliament in making the law for reservation in admission. The only exemption was in the case of Minority Educational Institutions, in terms of clause (5) of Article 15 of the Constitution. The National Institute of Technology (NIT), Agartala, the North-Eastern Hill

University, Shillong and Shillong Campus of the English and Foreign Language University, Hyderabad, fall under this category. All these CEIs have been reserving seats for the Scheduled Castes and the Scheduled Tribes and it would, therefore, be desirable to continue with the same, although exemption from such a reservation has been provided under the Act.

- (iv) Another complication is that NITs have their annual permitted strength divided equally in two categories-All-India seats and State seats. The only NIT presently situated in the tribal areas referred to in the Sixth Schedule to the Constitution, namely, NIT, Agartala has traditionally been following the reservation policy specified by the State Government, in so far as State seats are concerned. Accordingly, the said NIT had regretted its inability to switch over to the provisions of section 3 of the Act, in so far as State seats are concerned. Though this request has since been acceded to by the direction of the President under clause (c) of paragraph 12AA of the Sixth Schedule to the Constitution, it has been considered desirable to amend this Act, in order to exempt the State seats in a CEI situated in the tribal areas referred to in the Sixth Schedule to the Constitution from implementation of section 3 of the Act.
- (v) Section 5(1) of the Act provides that every CEI shall increase the number of seats in a branch of study or faculty over and above the annual permitted strength so that the number of seats, excluding those reserved for the SCs, the STs and the OBCs is not less than the number of such seats available for the academic session immediately preceding the date of the coming into force of the Act. There are certain branches of study or faculty, which are not very popular among students, where the seats available for the academic session immediately preceding the date of the coming into force of the Act could not be filled, despite concerted efforts by the concerned CEI. It would, therefore, be prudent to predicate the number of seats in such unpopular branches of study or faculty in a CEI with reference to the number of seats actually filled in for the academic session immediately preceding the date of the coming into force of the Act.
- (vi) While section 5(2) of the Act envisages a maximum period of three years for expansion of capacity of a CEI necessitated to ensure that the number of seats (excluding those reserved for the SCs, and STs and the OBCs) is not less than the number of such seats available for the academic session immediately preceding the date of the coming into force of the Act, a couple of the CEIs are finding it difficult to adhere to said time limit for creation of the requisite physical and academic infrastructure due to a variety of reasons beyond their control and have been requesting for the increase in the time limit.

1.5 The Secretary, Department of Higher Education, during her presentation before the Committee, dwelt upon the practical difficulties being experienced by different

Central Educational Institutions during the last three years in giving effect to the provisions of the Act, especially with regard to 50 per cent ceiling and existing demographic patterns in the North-East States. It was stated that Babasahab Bhimrao Ambedkar University, Lucknow already has 50 per cent reservation for the Scheduled Castes and Scheduled Tribes and institutions in the North East States viz Arunachal Pradesh, Meghalaya, Mizoram and Nagaland predominantly inhabited by the tribal population, were already providing higher percentage of reservation for Scheduled Tribes, the provision for 27 per cent OBC reservation would be breaching the ceiling of 50 per cent reservation as laid down under the Supreme Court directive. Providing for 27 per cent OBC reservation by lowering the existing reservation in the University would prove to be detrimental to its character as visualized in its Statute. Another significant anomaly noticed was in respect of Sixth Schedule States where 50 per cent ceiling of reservation had already been reached and OBC reservation would lead to complications. North-East States having a predominantly Scheduled Tribe population needed separate dispensation for the OBC reservation. The Committee was also given to understand that time-limit of three years for the implementation of the Act had proved to be insufficient inspite of Oversight Committees working in coordination with UGC and AICTE. Attention of the Committee was also drawn to special problem areas experienced in respect of Central Educational Institutions in Delhi due to permission required from different agencies for building up the required infrastructure.

1.6 On a specific query with regard to general experience in the implementation of the Act so far, it was informed that before the Central Educational Institutions (Reservation in Admission) Act, 2006 came into force, reservation in admission in Central Educational Institutions was confined to Scheduled Castes and Scheduled Tribes only through executive orders and provision of the respective Statements or Rules governing the institution. Following the amendment to Article 15 of the Constitution (93rd amendment Act), provision was made for the first time, through the CEI Act, 2006, for reservation in favour of OBCs as well as the SCs and STs. After the Act came into operation, reservation for SC/ST/OBC students in admission in Central Educational Institutions has been accomplished to a great extent and the candidates from the aforesaid

categories were able to get admitted in these institutions in much larger number, not only due to the percentage of seats reserved but also due to increase in the absolute number of seats.

II CONSULTATION PROCESS

2.1 The Committee was informed that the proposals contained in the Bill were circulated to the Ministries of Personnel, Public and Grievances and Pensions (Department of Personnel and Training), Social Justice and Empowerment, Tribal Affairs, Development of North Eastern Region, Law and Justice (Department of Legal Affairs and Legislative Department) and the Planning Commission. Ministries of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Tribal Affairs and Development of North Eastern Region had supported the proposals. The Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) also concurred with the proposals and had vetted the draft Bill.

2.2 The Ministry of Social Justice and Empowerment were of the opinion that the term 'State seats' needed to be defined more clearly and also suggested incorporation of a suitable section providing for reservation of not less than three per cent seats for person with disabilities. The Department had drawn the attention of the Committee to the following definition of the term 'State seats' proposed to be incorporated in the Act;

'State seat', in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty as are earmarked to be filled from amongst the eligible students of the State in which such institution is situated.

It was clarified that only the National Institutes of Technology (NITs) amongst the Central Educational Institutions have 'State seats' which constitute 50 per cent of their annual permitted strength. As each NIT was free to determine as to who would constitute the eligible students of the state in which that NIT was situated, it has not been considered necessary to define the eligibility criteria to be followed in this behalf. As for the reservation for persons with disabilities, Department's contention was that reservation for them would be 'horizontal' and the candidates selected in this category would,

accordingly, be adjusted in the categories to which they belonged i.e either reserved category of SCs, STs, OBCs or open category in 'vertical' reservation.

2.3 The Committee was informed that the Planning Commission had also sought clarifications as to what would be the reservation (i) by way of institutional preference in Jamia Milia Islamia and Visva Bharti and (ii) CEIs set-up/to be set up after coming into force of the proposed amendments to the Act. The Committee takes note of the Department's stand in this regard as indicated below:-

- Any such Central Educational Institution as has been allotting certain seats in a course or programme of study for those enrolled for qualifying examination conducted by an institution which is an integral part or constituent unit of that Central Educational Institution shall continue to do so, as the same is in conformity with the Supreme Court's judgement in Saurabh Chaudri case, in terms of which the seats by way of institutional preference shall not exceed 50 per cent of the seats remaining available after providing for reservation in respect of SCs, STs and OBCs. As such, the proposed amendments presently under consideration do not make any reference to reservation by way of institutional preference.
- CEIs set up/to be set up, other than those having State Seats and situated in the tribal areas referred to in the Sixth Schedule to the Constitution, after the coming in force of this amendment in this Act shall be governed by the reservation policy envisaged in the principal Act viz. 15 per cent, 7.5 per cent and 2.7 per cent for SCs, STs and OBCs respectively.

2.4 **The Committee is inclined to agree with the above clarification given by the Department. The Committee feels that the proposed definition of the term 'State seats' would serve the purpose and it is not necessary to define the eligibility criteria to be followed in this behalf as it should be left to the institution itself to determine the same as per demographic pattern of the state in which the institute is situated.**

III Committee's observations/recommendations on various clauses of the Bill are given in the succeeding paragraphs:-

Clause 2: Amendment of Section 2 relating to Definitions.

3.1 The Clause seeks to insert sub-clauses (ia) and (ib) providing for definitions of the terms "specified north eastern region" and 'state seats' as under:-

- (ia) “ specified north-eastern region” means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule of the Constitution.
- (ib) “State seats” in relation to a Central Educational Institutions means such seats, if any, out of the annual permitted strength in each branch of study or faculty as are earmarked to be filled from amongst the eligible students of the state in which such institution is situated.

3.2 The Committee while agreeing to the concept behind the insertion of the proposed definition of the term ‘State seats’ endorses the amendment which may help in fulfilling the aspirations of the local population as well as paving the way for 27 per cent OBC reservation in these areas of the country. The Committee also takes note of the fact that, apart from NITs, there was no other category of CEIs, whether Central Universities or IITs/IIMs, which provided for “State seats”. The Committee was also given to understand that the proposed insertion in the Act would go a long way in taking care of the interests of the local population of the States in which NITs were situated.

Clause 3: Section 3: Reservation of seats in Central Educational Institutions

3.3 Clause 3 of the Bill seeks to amend section 3 of the Act which provides for reservation of seats in admission in Central Educational Institutions, 15 per cent for SCs, 7.5 per cent for STs and 27 per cent for OBCs. The proposed amendment seeks to insert two provisos as reproduced below:-

“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 immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (iii) and the extent of reservation of seats for the Scheduled Castes and the Scheduled Tribes under clauses (i) and (ii) shall, notwithstanding anything contained in section 6, be-

(I) reduced to fifty per cent of the annual permitted strength in the academic year immediately succeeding the commencement of the Central Educational Institutions (Reservation in Admission) Amendment Act, 2010, in respect of a Central Educational Institution situated in any area other than the specified north-eastern region;

(II) not reduced in respect of a Central Educational Institution situated in the specified north-eastern region.”

3.4 The Committee takes note of the following clarification given by the Department for bringing the proposed amendments in Section 3:-

- (i) State Seats, if any, in a Central Educational Institution (CEI) situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by the reservation policy of the concerned State Government in the matter of admissions of SCs, STs and OBCs to that CEI.
- (ii) In a CEI with no State seats, if the seats reserved for the SCs exceed 15 per cent or the seats reserved for the STs exceed 7.5 per cent or the seats reserved for the SCs and the STs taken together in a CEI exceed 22.5 per cent but fall short of 50 per cent of the annual permitted strength, the percentage of seats reserved for the OBCs shall be restricted to such shortfall.
- (iii) In a CEI with no State Seats, if the seats reserved for SCs or the STS or both taken together in a CEI exceed 50 per cent of the annual permitted strength, that CEI shall be exempt from making any reservation for the OBCs. Further, if such a CEI is situated in the north-eastern States, including Sikkim but excluding the non-tribal areas of Assam, the percentage of seats reserved for the SCs or the STs shall not be reduced from the level obtaining on the date immediately preceding the date of the commencement of the Act; while in case of a CEI situated in other areas the percentage of seats reserved for the SCs and STs in that CEI shall stand reduced to 50 per cent.

3.5 While the Committee is convinced with the proposed amendment in Section 3, it would like to point out that there are conceptual difficulties in determining the

OBC reservation in the States. While the SC/St reservation may be definite, it is the OBC reservation which may differ from State to State. The Committee is also aware of the fact that reconciliation has to be made between 50 per cent cap on reservation and 27 per cent OBC quota. The Committee is of the view that OBC percentage is to be decided by taking SC and ST reservation as a compulsory component. Since the extent of reservation is 50 per cent whatever remaining after fulfilling the SC/ST reservation may go to OBCs.

3.6 Regarding adhering to the limit of 50 per cent reservation, the Committee would like to point out the case of Tamil Nadu, where 69 per cent reservation to backward classes has been allowed by the apex court. The apex court has permitted the State to increase the 50 per cent limit in case the quantification of data about OBC in the State as determined by the State Backward Class Commission justified such increase. In the light of the above the Committee feels that the Department may take a view in the context of those States where data is available.

Clause 4: Section 4: Act not to apply in certain cases

3.7 This clause seeks to omit clause (a) of section 4, thereby withdrawing the exemption erroneously given to the CEIs established in the tribal areas referred to in the Sixth Schedule to the Constitution from implementing the reservation policy for SCs and STs, if any, in force immediately preceding the date of the coming into force of the principal Act.

3.8 On a specific query about the factors necessitating the proposed amendment, the Committee was informed that as per the existing provision, reservation policy for SCs, STs and OBCs could not be considered to be applicable to CEIs established in the tribal areas. While the intention of the Government was to exempt such CEIs from implementing 27 per cent reservation introduced for the OBCs only, these institutions were inadvertently exempted from reservation for SCs/STs as well, if any, in force, immediately preceding the date of coming into force of the Act. **In view of the clarification given by the Department, the Committee accepts the proposed**

amendment so as to remove any ambiguity with regard to specific ground realities governing the CEIs established in the Sixth Schedule States.

Clause 5: Section 5: Mandatory increase of seats.

3.9 The Committee was given to understand that in view of the experience at the ground level since the Act coming into force, two modifications are proposed to be incorporated in Section 5. The impact of these amendments would be that the number of seats in a branch of study or faculty in a CEI shall be increased with reference to the number of seats in that branch of study or faculty available for the academic session immediately preceding the date of the coming into force of this Act or with reference to the number of seats actually filled in that session whichever be less, mainly with a view to avoiding wastage of resources. Secondly, since some of the CEIs were finding it difficult to adhere to the time-limit of three years for creation of the requisite physical and academic infrastructure due to a variety of reasons beyond their control, the time-limit is proposed to be enhanced from three to six years.

3.10 On being asked about the factual position with regard to seats in certain courses, both reserved and general category seats remaining vacant, the Committee was informed that in certain courses like Sanskrit, Hindi, Indian Languages etc., the students being admitted were less than the intake capacity and therefore, chances were there that in certain courses, after increase in intake, the seats may remain vacant. Similarly, in the NITs, some seats remain vacant due to certain branches of Engineering/Technology were not attractive in the present scenario with students preferring to skip over to other institutions/branches of their choice.

3.11 The Committee observes that the period of three years has proved to be inadequate for implementing the OBC reservation in CEIs due to a number of problem areas like paucity of proper accommodation for students, staff and classrooms, shortage of faculty, inadequate space in the laboratories. In the case of Delhi University, lack of coordination amongst multiple local agencies and delay in approval of building projects

by various statutory bodies were additional hindrances noticed. The Committee also finds that strength of qualified Faculty was also required to be augmented in accordance with the increasing student community.

3.12 The Committee would like to point out that concerted efforts are required to be made by all concerned for enforcement of the reservation quota for OBCs as well as SCs and STs. Enactment of the principal Act followed by the proposed amendments brought about due to the existing ground realities can be considered the first phase of fulfillment of our cherished goals of bringing the marginalized and less privileged youth force into the mainstream. The Committee finds that this major initiative has been substantially strengthened by providing central funds amounting to Rs. 1724.89 crores to CEIs for developing the infrastructure and having the required teaching and non-teaching staff in place. Feedback given by the Department indicates that a beginning has already been made in NITs with expansion of boy hostels, construction of additional lecture halls/Classrooms, Faculty Quarters, dining halls, purchase of lab equipments and other accessories. The Committee would, however, like to emphasize that all the required infrastructure should be in place within the extended time-limit. Need of the hour is monitoring of these expansions at different levels and regular intervals in a mission mode. Committee's only apprehension is about availability of required qualified and experienced faculty being also in place for the additional students. The Committee can only hope that with the number of initiatives/incentives taken for attracting the teachers, position will improve as envisaged.

4. The enacting formula and the title are adopted with consequential changes.

RECOMMENDATIONS/OBSERVATIONS-AT A GLANCE

II CONSULTATION PROCESS

The Committee is inclined to agree with the above clarification given by the Department. The Committee feels that the proposed definition of the term ‘State seats’ would serve the purpose and it is not necessary to define the eligibility criteria to be followed in this behalf as it should be left to the institution itself to determine the same as per demographic pattern of the state in which the institute is situated.

(Para 2.4)

III Clause 2: Amendment of Section 2 relating to Definitions.

The Committee while agreeing to the concept behind the insertion of the proposed definition of the term ‘State seats’ endorses the amendment which may help in fulfilling the aspirations of the local population as well as paving the way for 27 per cent OBC reservation in these areas of the country. The Committee also takes note of the fact that, apart from NITs, there was no other category of CEIs, whether Central Universities or IITs/IIMs, which provided for “State seats”. The Committee was also given to understand that the proposed insertion in the Act would go a long way in taking care of the interests of the local population of the States in which NITs were situated.

(Para 3.2)

Clause 3: Section 3: Reservation of seats in Central Educational Institutions

While the Committee is convinced with the proposed amendment in Section 3, it would like to point out that there are conceptual difficulties in determining the OBC reservation in the States. While the SC/St reservation may be definite, it is the OBC reservation which may differ from State to State. The Committee is also aware of the fact that reconciliation has to be made between 50 per cent cap on reservation and 27 per cent OBC quota. The Committee is of the view that OBC percentage is to be decided by taking SC and ST reservation as a compulsory

component. Since the extent of reservation is 50 per cent whatever remaining after fulfilling the SC/ST reservation may go to OBCs.

(Para 3.5)

Regarding adhering to the limit of 50 per cent reservation, the Committee would like to point out the case of Tamil Nadu, where 69 per cent reservation to backward classes has been allowed by the apex court. The apex court has permitted the State to increase the 50 per cent limit in case the quantification of data about OBC in the State as determined by the State Backward Class Commission justified such increase. In the light of the above the Committee feels that the Department may take a view in the context of those States where data is available. (Para 3.6)

Clause 4: Section 4: Act not to apply in certain cases

In view of the clarification given by the Department, the Committee accepts the proposed amendment so as to remove any ambiguity with regard to specific ground realities governing the CEIs established in the Sixth Schedule States.

(Para 3.8)

Clause 5: Section 5: Mandatory increase of seats.

The Committee would like to point out that concerted efforts are required to be made by all concerned for enforcement of the reservation quota for OBCs as well as SCs and STs. Enactment of the principal Act followed by the proposed amendments brought about due to the existing ground realities can be considered the first phase of fulfillment of our cherished goals of bringing the marginalized and less privileged youth force into the mainstream. The Committee finds that this major initiative has been substantially strengthened by providing central funds amounting to Rs. 1724.89 crores to CEIs for developing the infrastructure and having the required teaching and non-teaching staff in place. Feedback given by the Department indicates that a beginning has already been made in NITs with expansion of boy hostels, construction of additional lecture halls/Classrooms, Faculty Quarters, dining halls, purchase of lab equipments and other accessories.

The Committee would, however, like to emphasize that all the required infrastructure should be in place within the extended time-limit. Need of the hour is monitoring of these expansions at different levels and regular intervals in a mission mode. Committee's only apprehension is about availability of required qualified and experienced faculty being also in place for the additional students. The Committee can only hope that with the number of initiatives/incentives taken for attracting the teachers, position will improve as envisaged.

(Para 3.12)

MINUTES

X
TENTH-MEETING

The Committee on Human Resource Development met at 3.30 p.m. on Friday, the 10th December, 2010 in Main Committee Room, Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Dr. K. Keshava Rao - *in the Chair*
2. Shrimati Mohsina Kidwai
3. Shri Prakash Javadekar
4. Shri N. Balaganga

LOK SABHA

5. Shri P.K.Biju
6. Shri Jeetendrasingh Bundela
7. Shrimati J. Helen Davidson
8. Shri Deepender Singh Hooda
9. Shri P. Kumar
10. Shri Joseph Toppo
11. Dr. Vinay Kumar Pandey 'Vinnu'

LIST OF WITNESSES

1. Smt. Vibha Puri Das, Secretary, Higher Education
2. Shri Sunil Kumar, Additional Secretary, Higher Education
3. Shri Anant Kumar Singh, Joint Secretary, Central Universities
4. Shri R.P. Sishodia, Director, UGC
5. Shri R.D. Sahay, Director, Central Universities

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Smt. Himanshi Arya, Committee Officer

2. At the outset, the Chairman welcomed the members to the meeting of the Committee and apprised them about the day's agenda. ** **.
3. The Chairman also mentioned that the deliberations on the **
** Central Educational Institutions (Reservation in Admission)
Amendment Bill, 2010 being not completed, it would not be possible to present the Reports on the Bills till 31st December, 2010. ** **.
4. Thereafter, the Committee heard the views of the Secretary, Department of Higher Education about the vision of the Department regarding reforms in higher education and the legislative initiatives taken by the Department.
5. The Committee also heard the presentation of the Secretary, Department of Higher Education, on the Central Educational Institutions (Reservation in Admission) Amendment Bill, 2010. Members and the Chairman raised certain queries which were replied to by the Secretary. The Committee decided to send a questionnaire to the Department for their detailed reply.
6. A verbatim record of the proceedings was kept.
7. The Committee then adjourned at 4.35 p.m.

** Relates to other matters