



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No.378]

CHENNAI, THURSDAY, AUGUST 26, 2021
Aavani 10, Pilava, Thiruvalluvar Aandu-2052

Part IV—Section 1

Tamil Nadu Bills

BILL INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF TAMIL NADU

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 26th August 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 20 of 2021

A Bill to provide for preference in admission to undergraduate professional courses in Universities, Government colleges and Private colleges for the students who studied in Government schools.

WHEREAS the Government received several representations from various sections of the society that enrolment of Government school students in professional courses related to Engineering, Agriculture, Veterinary, Fisheries and Law has been low over the past several years with request to improve their representations;

AND WHEREAS a Commission comprising of senior officials under the Chairmanship of Hon'ble Justice Thiru. D.Murugesan (retired Chief Justice of the High Court of Delhi) was constituted to examine the issues related to socio-economic conditions of the students studying in Government schools, disadvantages suffered by such students, if any, and their past enrolment in various categories of professional courses/ educational institutions; and that if the said issues have led to their under representations, suggest remedial measures to improve the representation of State Government school students in the admission to professional courses such as Engineering, Agriculture, Veterinary, Fisheries, Law, etc.;

AND WHEREAS the Commission, based on the assessment and analysis made on the subject under reference, considering the poor socio-economic conditions of the parents of the Government school students, disadvantage suffered by such students and the meagre enrolment of such students in professional courses, apart from making very many suggestions to improve/uplift their standard of education, has recommended that not less than 10% of seats in Engineering, Agriculture, Veterinary, Fisheries, Law and allied professional courses in Universities, Self-financing colleges and Government colleges may be set apart, to provide preference in admission to Government school students without affecting the rule of reservation in force in the State;

AND WHEREAS Articles 14 and 15 of the Constitution permit reasonable classification on intelligible differentia and thereby permits different treatment to unequals;

AND WHEREAS the Government, after careful consideration of the recommendation of the said Commission, have decided to set apart seven and a half per cent. of seats in the admission to undergraduate professional courses on preferential basis to students of the State Government schools;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Admission to Undergraduate professional courses on preferential basis to students of Government schools Act, 2021.

(2) It shall come into force at once.

Definitions.

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

(a) “**aided institution**” means an educational institution which receives grant from the Government under section 10 of the Tamil Nadu Private Colleges (Regulation) Act, 1976.

President's Act 19 of 1976.

(b) “**Government**” means the State Government;

(c) “**Government seats**” mean,—

(i) all the seats in undergraduate professional courses in Universities, University colleges and Government colleges;

(ii) such number of seats in aided institutions, as may be directed by the Government; and

(iii) 65 per cent. of seats in undergraduate professional courses in non-minority educational institutions and 50 per cent. of such seats in minority educational institutions or the seats as arrived at in accordance with the consensus between such institutions and the Government;

(d) “**Government schools**” mean and include Government schools, Corporation schools, Municipal schools, Panchayat Union schools, Adi Dravidar and Tribal Welfare schools, Kallar Reclamation schools, Forest Department schools and other schools managed by Government departments;

(e) “**minority educational institution**” means an educational institution recognised or declared as such by the Government, subject to such conditions as may be prescribed;

(f) “**private school**” means a school which is not a Government school;

(g) “**Students studied in Government schools**” mean children who have studied from Sixth standard to Higher Secondary course in a Government school.

Central Act 35 of
2009.

Explanation.— For the purpose of this definition, children belonging to weaker section and disadvantaged group who have studied upto Eighth standard in a specified category school or an unaided school, as per clause (c) of sub-section (1) of Section 12 of the Right of Children to Free and Compulsory Education Act, 2009 and studied all remaining standards upto Higher Secondary course in a Government school, shall be deemed to be ‘Students studied in Government schools’;

(h) “**undergraduate professional courses**” mean the first year of Bachelor of Engineering, Agriculture, Veterinary Science, Fisheries Science, Law including other professional courses as may be notified by the Government;

(i) “**University**” means a University established or incorporated by an Act of the State Legislature.

3. Notwithstanding anything contained in any law for the time being in force and subject to section 5, seven and a half per cent. of the Government seats shall be set apart on preferential basis to students studied in Government schools. Admission on preferential basis.

4. Students studied in Government schools shall also be entitled to compete for the Government seats, other than those set apart on preferential basis, along with the students who studied in private schools. Right to compete for other seats not to be affected.

5. Admission of students studied in Government schools on preferential basis under section 3 shall be made by following the reservation as per the law in force. Reservation to apply.

6. Notwithstanding anything contained in section 3, where adequate number of students studied in Government schools are not available for admission to the seats set apart on preferential basis, such unfilled seats shall be filled up with the students who studied in private schools. Filling up of preferential seats.

7. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. Power to make rules.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made, notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule, notification or order or the Legislative Assembly decides that the rule, notification or order 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, notification or order.

Power to give directions.

8. The Government may, from time to time, give such directions as it may deem fit for giving effect to the provisions of this Act.

Power to remove difficulties.

9. If any difficulty arises in giving effect to any provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act, as may be necessary or expedient for the purpose of removing the said difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

To assess and analyse the reasons for less number of Government School students getting admission into Engineering, Agriculture, Fisheries, Veterinary, Law Courses, etc., in Universities, Self Financing Colleges and Government Colleges and recommend remedial measures to ensure due representation of Government school students, the Government constituted a Commission comprising of senior officials under the Chairmanship of Hon'ble Justice D. Murugesan, retired Chief Justice, High Court of Delhi.

2. The Commission in its finding, has reported that the Government school students being in a disadvantageous position, require more facilities to pursue their school education and preferential treatment in joining various professional courses. Though education is important to all students for their enrichment in knowledge and to lead a reasonable and meaningful life, the students from Government schools forming a distinct class require more attention of the State for preferential treatment in higher education compared to the students of private Schools, who are provided with better environment, different and conducive atmosphere in pursuing their education. Considering the socio- economic condition, disadvantage suffered and the past enrolment of Government school students, the Commission has recommended that not less than 10% of seats in Engineering, Agriculture, Veterinary, Fisheries, Law and other professional courses may be set apart to provide preference in admission to Government school students without affecting the rule of reservation in force in the State.

3. It is evident from the Commission's report that there exists *de facto* inequalities between the Government school students and the private school students. The Government, after careful examination of the recommendation of the Commission, have decided to take affirmative action so as to bring about real equality between the students who studied in Government schools and in private schools, by setting apart certain percentage of seats on preferential basis to the students, who have studied from sixth to twelfth standard in the State Government Schools in the admission to Engineering, Agriculture, Veterinary, Fisheries, Law and other professional degree courses offered in Universities, private colleges, Government aided and Government colleges.

4. The Bill seeks to give effect to the above decision.

DR. K. PONMUDI,
Minister for Higher Education.

Chennai-600 009,
Date: 26.8.2021.

K. SRINIVASAN,
Secretary.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 2 (h), 7,8,and 9 of the Bill authorize the Government to make rules or to issue notifications or orders, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

DR. K. PONMUDI,
Minister for Higher Education.

Chennai-600 009,
Date: 26.8.2021.

K. SRINIVASAN,
Secretary.