

## **Chhattisgarh Educational Institutions (Reservation In Admission) Act, 2012**

**9 of 2012**

**[30 March 2012]**

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## **Chhattisgarh Educational Institutions (Reservation In Admission) Act, 2012**

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An Act to provide for reservation in admission of the students belonging to the Scheduled Tribes, the Scheduled Castes and the Other Backward Classes of citizens, to certain Educational Institutions established, maintained or aided by the State Government and for matters connected therewith or incidental thereto. Be it enacted by the Chhattisgarh Legislature in the Sixty-third Year of the Republic of India, as follows:-- \* Published in the Chhattisgarh Rajpatra (Asadharan) dated 30-3-2012 Pages 116(4-6).

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Chhattisgarh Educational Institutions (Reservation in Admission) Act, 2012.
- (2) It extends to the whole State of Chhattisgarh.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

### **2. Definitions :-**

In this Act, unless the context otherwise requires,--

- (a) "Academic Session" means the period in a calendar year, or a part thereof, during which an Educational Institution is open for teaching or instruction in any branch of study or faculty;
- (b) "Admission Test" means the examination conducted by or on behalf of the State Government or an Educational Institution for determining the eligibility of students for admission to Educational Institutions, and includes the Pre-Medical Test (PMT), the Pre-Engineering Test (PET), the Pre-Agriculture Test (PAT) or any other test, by whatever name it may be called;
- (c) "Annual Permitted Strength" means the number of seats in a course or programme for teaching or instruction in each branch of study or faculty authorized by an appropriate authority for admission of eligible students to an Educational Institution;
- (d) "Appropriate Authority" means the University Grants Commission, the Bar Council of India, the Medical Council of India, the All India Council for Technical Education, the Nursing Council of India, the Dental Council of India, Central Council of India Medicine or any other authority or body established by any act for the time being in force, for the determination, coordination or maintenance of standards of higher education in any Educational Institution;
- (e) "Cut-off Date(s)" means the date(s) of admission to a course or programme of teaching or instruction in a branch of study or faculty in an academic session, as may be declared by the State Government or the Educational Institution, as the case may be, for the purposes of the filling up vacant seats under clause (a), (b) and (c) of Section 3;
- (f) "Educational Institution" means,--
- (i) A university established or incorporated by or under an Act of the Legislature of the State of Chhattisgarh;
- (ii) An institution, other than a minority educational institution referred to in clause (1) of Article 30 of the Constitution, maintained by or receiving aid from the State Government, whether directly or indirectly, and affiliated to a university referred to in clause (i);
- (iii) An educational institution established by the State Government under the Chhattisgarh Societies Registration Adhiniyam, 1973 (No. 44 of 1973);
- (g) "Eligible Students" means those students who are eligible to be admitted to a course or programme of teaching or instruction in a branch of study or faculty, and possessing such qualifications as may be prescribed by the appropriate authority or the University or the State Government, as the case may be, or declared to be

eligible, where so required, by the University or body authorized by the State Government for conducting the admission test, in respect of the admission to such course or programme of teaching or instruction in the branch of study or faculty;

(h) "Faculty" means the faculty of an Educational Institution;

(i) "Other Backward Classes" means the class or classes of citizens, not belonging to the creamy layer of society, who are socially and educationally backward and are so determined from time to time by State Government;

(j) "Scheduled Castes" means the Scheduled Castes as notified in relation to the State of Chhattisgarh under Article 341 of the Constitution;

(k) "Scheduled Tribes" means the Scheduled Tribes as notified in relation to the State of Chhattisgarh under Article 342 of the Constitution;

(l) "Teaching or Instruction in any Branch of Study" means teaching or instruction in a branch of study leading to the award of diploma or degree at the bachelor (under-graduate), masters (post-graduate) and doctoral levels.

### **3. Reservation Of Seats In Educational Institutions :-**

The reservation of seats in admission to each academic session, and its extent in an Educational Institution shall be in the following manner, namely:--

(a) out of the annual permitted strength in each branch of study or faculty, thirty two percent seats shall be reserved for the Scheduled Tribes;

(b) out of the annual permitted strength in each branch of study or faculty, twelve percent seats shall be reserved for the Scheduled Castes;

(c) out of the annual permitted strength in each branch of study or faculty, fourteen percent seats shall be reserved for the Other Backward Classes:

Provided that where the seats reserved for the Scheduled Tribes remain vacant due to non-availability of eligible students on the cut-off date(s), the same shall be filled from among eligible students belonging to the Scheduled Castes and vice versa.

Provided further that where seats reserved under clause (a), (b) and (c) remain vacant on the cut-off date(s), even after the arrangement referred to in the foregoing proviso, the same shall be filled from other eligible students.

Provided also that the State Government may, for the purpose of giving effect to reservation under this section, aggregate the annual permitted strength of any or all branches of study at the post-graduate or higher levels, if in the opinion of the State Government such reservation cannot be made in such branch or branches of study taken alone.

#### **4. Horizontal Reservation For Special Categories :-**

(1) The reservation of seats provided under clause (a), (b) and (c) of Section 3 shall be determined vertically.

(2) The percentages of horizontal reservation in respect of persons with disabilities, women, ex-service personnel, wards of freedom fighters, or other special categories of persons shall be as are notified for the purposes of this Act by the State Government from time to time, and shall be made within the vertical reservation under clause (a), (b) and (c), as the case may be, of Section 3.

#### **5. Power To Make Rules And Remove Difficulties :-**

(1) The State Government may make rules to carry out the provisions of this Act.

(2) If any difficulty arises in giving effect to the provisions of this Act, the State 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.

(3) Every rule made under this Act, and every provision made under sub-section (2) of this section, shall be laid, as soon as may be after it is made, before the State Legislature while it is in session.