



विश्वविद्यालय अनुदान आयोग
35, फिरोजशाह रोड़,
नई दिल्ली-110 001

UNIVERSITY GRANTS COMMISSION
35, FEROZE SHAH ROAD.
NEW DELHI-110 001

26

No.F. 1-5/2006(SCT)

August, 2006

The Registrar

All central Universities / State Universities; Deemed to be Universities and others, List as per attached. (262)

25 AUG 2006

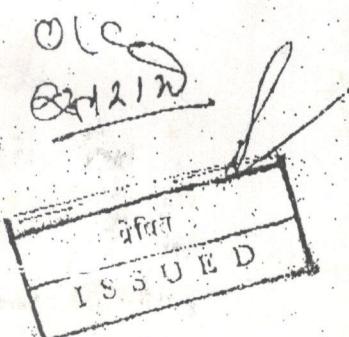
Subject : For Strict observation of Reservation Policy of the Government in Universities, Deemed to be Universities, Colleges and other Grant-In- Aid Institutions and Centres.

Sir,

I am directed to enclose herewith a copy of the new guidelines on the above mentioned subject for implementation by your institution under intimation to the Commission.

Yours faithfully,

Encl: As above



UNIVERSITY GRANTS COMMISSION

UGC GUIDELINES FOR STRICT IMPLEMENTATION OF RESERVATION POLICY OF THE GOVERNMENT IN UNIVERSITIES, DEEMED TO BE UNIVERSITIES, COLLEGES AND OTHER GRANT-IN-AID INSTITUTIONS AND CENTERS.

1. Central Government has been issuing various instructions from time to time for implementing the Reservation Policy of the Government; and UGC being an autonomous statutory body, under the administrative control of the Ministry of Human Resource Development, is under directions from the Government to strictly implement the said instructions by all grant-in-aid institutions.
2. Central Government, Ministry of Human Resource Development (Dept. of Secondary & Higher Education), vide their Order No. F.No.6-30/2005 U-6 dated 6th December, 2005 issued the following directions to the University Grants Commission:-

WHEREAS Article 46 of the Constitution states that, "The State shall promote, with special care, the education and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation.

AND WHEREAS, the policy of the Central Government is that in the Central Universities and Institutions which are Deemed to be Universities receiving grants-in-aid from the public exchequer, the percentage of reservation in admissions and recruitments in teaching and non-teaching posts is to be 15% for Scheduled Castes and 7.5% for Scheduled Tribes.

AND WHEREAS, the University Grants Commission, New Delhi hereinafter referred to as UGC, is a statutory autonomous organization responsible for implementation of policy of the Central Government in the matter of admissions as well as recruitment to the teaching and non-teaching posts in the Central Universities and Institutions which are Deemed to be Universities;

And WHEREAS, the UGC has failed to ensure effective implementation of the reservation policy in the Central Universities and grantee Institutions which are deemed to be Universities.

NOW, THEREFORE, in exercise of the powers vested under Section 20(1) of the University Grants Commission Act, 1956 the Government hereby directs the UGC to ensure effective implementation of the reservation policy in the Central Universities and those of Institutions Deemed to be Universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution.

3. The instructions issued by the Government are statutory in nature, as per the judgment of the Hon'ble Supreme Court in the case of *Indra Sahney v. Union of India & Ors* (AIR 1993 SC 427), since these instructions are issued for the purposes of implementing Constitutional [Article 16 (4)] provisions.

4. UGC with the mandate of maintaining the standards of higher education has been issuing guidelines from time to time, regarding adequate representation of teaching and non-teaching staff as well as of students [Article 15 (4), 16 (4), 46 & 25], belonging to SC/ST communities, in all the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers. It has now become necessary to consolidate these guidelines, the following policy Guidelines are issued.

5. All the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers are hereby directed to adopt these guidelines by appropriate resolution by the respective Governing/Executive Bodies/Syndicate/Senate etc. for effective implementation of these guidelines.

6. **Coverage and Applicability:**

(a) Reservation is applicable to all teaching posts such as the posts of Lecturers, Readers, Professors, or by whatever other nomenclature the posts are known, and to all posts of non-teaching staff of all the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers;

(b) Reservation is also applicable to all admissions to Undergraduate, Postgraduate, M.Phil and Ph.D courses of educational Institutions referred to in clause (a) above;

(c) In the cases of reservations referred to in clause (a) above, the Instructions issued by the Central Government for grouping of posts shall be referred to wherever applicable, especially when more than one University functions under a single Act, or several colleges function under one University; grouping of posts are mandatory if the posts concerned are transferable on an inter-university or inter-college levels. The practice of creating department-wise cadres, which tends to create single posts or cadres with artificially reduced number of posts in order to avoid reservation, is strictly forbidden;

(d) In the cases of reservations referred to in clause (b) above, the Instructions issued by the Central Government with regard to reservation for implementing Article 16 (4) of the Constitution of India are strictly applicable to all central or any other special quota, permitted under any existing rules all the educational Institutions referred to in clause (a) above, shall also apply to admissions of candidates to those Institutions.

(e) Relaxation & concession in respect of educational qualification, age, experience and qualifying marks/standard etc. will be as per existing government rules in all cases of admissions, recruitments, appointments, promotions and other assignments of entitlements to the members of SC/ST.

7. **Extent of Reservation:**

(a) In all the educational Institutions referred to in clause 6(a) above, the extent of reservation applicable is 15% for SC and 7.5% for ST;

(b) Without prejudice to the provisions contained in the clause (a) above, in all the educational Institutions referred to in clause (a) above, and functioning within any State shall follow the percentage of reservation prescribed by the respective State Government.

(c) No restriction of percentage is applicable while filling-up of back-log/short-fall vacancies of SC/ST.

8. **Procedure to be followed in matters of reservation for teaching as well as non-teaching staff:**

(a) Without prejudice to any procedure prescribed under various Instructions from the Central Government from time to time, the following guidelines are to be followed:

(i) SC/ST candidates should be interviewed separately;

(ii) One member of the Interview Committee shall belong to the SC/ST category;

(iii) All the SC/ST candidates selected according to their position in the combined general merit list shall not be counted for covering the prescribed percentage of reservation;

(iv) Rules of reservation are applicable both for direct recruitment as well as for promotion. If in internal promotion in cadre/cadre candidates are not available, in that situation such positions be declared open and advertised in order to fill up the posts and fulfill reservation.

(v) The Roster, 40-point or 100-point as the case may be, shall be applied to the total number of posts in cadre only, *R.K. Sabharwal v. State of Punjab*, (AIR 1995 SC 1371); cadre is best indicated by seniority list governing the members with the same pay-scale;

(vi) Total number of vacancies shall be calculated, and Roster as referred above shall be applied only excluding the back-log vacancies, if any;

(vii) Percentage of reservation shall be applied separately for each recruitment year, and not whenever the vacancies arise, or interviews take place, or recruitment/appointment is made;

9. **Procedure to be followed in matters of reservation for admission:**

(a) All the procedures prescribed under various Instructions from the Central Government from time to time, as referred to in sub-clause (a) of clause 8 above, shall be applicable mutatis mutandis to matters of admission of students referred to in all the educational institutions referred to in clause 6(a) above.

(b) In cases of admissions, sub-clauses (i) to (iii) of clause (a) above would only be applicable; and sub-clauses, (iv) to (vii) are not applicable;

(c) In cases of admissions, the following procedures are also to be followed:

(i) No SC/ST student can seek admission or claim reservation, unless he/she appears in national or State/Common or University/Institution tests held for the purpose, in order to avail the quota of seats reserved for them, by the educational institutions referred to in sub-clause (a) of clause 6 above;

(ii) In cases, where National or Common/State or University/Institution test is not prescribed as necessary for selecting candidates for admission, the SC/ST candidates seeking admissions shall be arranged in the order of merit among themselves, as per the merit position obtained in the qualifying examination;

- (iii) Rules of reservation are applicable for under-graduate as well as post-graduate levels and research degrees;
- (iv) Percentage of reservation shall be applied separately for each academic year, and not whenever interviews take place, or recruitment is made;
- (v) Rules of interchangeability among SC-s and ST-s are applicable, wherever necessary to fill-up the number of vacant seats;
- (vi) In case no eligible reserved candidates are available, the vacant seats in the reserved quota shall not be filled by any non SC/ST candidates. Every effort shall be made to re-advertise for wider publicity in the leading national news papers;
- (vii) Advance special (short term) coaching with assistance from UGC may be introduced for prospective SC/ST students;
- (viii) In the Universities where central Registration for admission of SC/ST students has been introduced, all admission process must be completed at the central level itself, and the assigned Colleges, Institutes or Centers as the case may be only permitted to make attempts to fill in the vacant SC/ST seats, at their instance;
- (ix) All institutions referred to in sub-clause (a) of clause (i) should give the maximum possible encouragement and support to girls of SC/ST in admission.

10. Annual Report:

- (a) All the Institutions referred to in sub-clause (a) of clause 6 above shall submit reports about the implementation of these guidelines annually by 15th February of the following year in the prescribed format, attached to these Guidelines to the Deputy Secretary, SCT Division, University Grants Commission, New Delhi with a copy each to the Ministry of Human Resource Development or the Department of Education of the concerned State Government.
- (b) All applications for grant-in-aid, shall be accompanied by the reports on the implementation of these guidelines during the previous recruitment or academic year, as the case may be;
- (c) Reports as referred to in sub-clause (a) should assist UGC to re-adjust or reduce the extent of demand for grant-in-aid for the following academic year, at least in proportion to the deficiency in implementation of these guidelines during the previous recruitment/ academic year.
- (d) A separate chapter in the annual report published by the Institutions should be provided to explain the steps undertaken and the results accomplished for bringing the level of performance of SC/ST to general level during the year.

11. Admission to Hostel Accommodations:

The percentage of reservation referred above under the head 'percentage' shall be strictly observed for admission to the hostels. Additional percentage of seats may be provided for the SC/ST students of these communities. No rent shall be charged from the students of these communities;

12. **Staff Houses:**
The percentage of reservation for Staff Quarters, transit Houses, teacher's hostels etc. shall be commensurate with the quantum of reservation as prescribed in paragraph 7 above.
13. **Liaison Officer:**
Each University/Institution shall appoint a Liaison Officer, who is not below the rank of a Deputy Secretary of the concerned State or Central Government and will be responsible for monitoring the implementation of reservation under the guidelines.
14. **SC/ST Cell:**
All the Universities/Institutions referred to in clause (a) of paragraph 6 above shall establish an SC/ST Cell in order to process the grievances of the members of these communities. The SC/ST Cell shall function under the overall supervision of the Liaison Officer.
15. **Advisory Committees:**
Advisory Committees with Vice Chancellor/Chancellor as Chairman be constituted to review the implementation of reservation policy in administration and capacity building programmes for SC/ST for their successful passing in examinations. Committee should meet at least once in a quarter and action taken on decisions reviewed in the next meeting.
16. **Amendments to existing University Acts & Statutes:**
Action should be initiated by the Universities as to effect necessary amendments to their Acts/Statutes for the statutory support for reservation in admission, appointments to teaching and non-teaching posts and representation of SC/ST in their bodies like Syndicate Executive Council, Academic Council, Selection Committees, etc.
17. **Miscellaneous:**
The above policy guidelines are minimum prescribed for observation of the reservation policy for SC/ST. The University/Institutions are free to provide additional benefits to these categories with the approval of their Board of Governors/Executive Councils etc.

hindustan times

Date 16/4/2008

SC justifies keeping minority institutes out of quota purview

Satya Prakash
New Delhi, April 15

THE SUPREME Court has justified the exclusion of minority educational institutions from the purview of Article 15(5) of the Constitution that enabled the State to bring in the law providing for reservation for OBCs in central educational institutions.

A five-judge constitution bench headed by Chief Justice of India K.G. Balakrishnan that upheld the validity of the 93rd constitutional amendment and the Central Educational Institutions (Reservation in Admission) Act, 2006, rejected the anti-quota petitioners' plea that it violated their right to equality guaranteed under Article 14 of the Constitution.

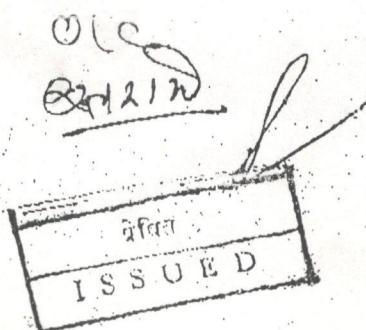
"This plea is...not tenable because the minority institutions have been given a separate treatment in view of Article 30 of the Constitution. Such classification has been held to be in accordance with the provisions of the Constitution. "The exemption of minority educational institutions has been allowed to conform to Article 15(5) with the mandate of Article 30 of the Constitution," the

CJI said. Justice R V Raveendran agreed with him.

According to Article 30, all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

Rejecting the petitioners' contention that exclusion of minority institutions violated Article 14, the court held: "exclusion of minority educational institutions from Article 15(5) is not violative of Article 14 of the constitution as the minority educational institutions, by themselves, are a separate class and their rights are protected by other constitutional provisions." Justice Dalveer Bhandari, who wrote a separate judgment, concurred with the CJI and Justice Raveendran on this point.

Terming it as a backward step for the nation which would further the caste divide, Justice Bhandari said: "Given the ultimate goal of furthering a classless/casteless society, there is no need to go out on a limb and rewrite them into the (93rd) Amendment. Such a ruling would subject even more institutions to caste-based reservation."



H.G. Ranchi
23rd June 2008

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UGC control on teachers' appointment may go

Chetan Chauhan
New Delhi, June 22

AFTER GETTING exemption from reservation, the minority institutions now may not have to follow the University Grants Commission's regulation for appointment of teachers. If this happens, thousands of institutions having minority tag like St. Stephen's, Loyola College and St. Xaviers would have much more freedom than conventional colleges to appoint staff.

The commission, at its meeting on June 18 and 19, discussed the possibility but no final decision could be reached. Commission officials said the final view on the issue would be taken at the next commission meeting.

The move has evoked strong reaction from academicians. "The minority status is meant to allow access to education to a larger number of minority students and does not provide licence to compromise standards by appointing unqualified teachers and principals," S.S.

Rathi, member of Delhi University court, said. An official of the National Commission for Minority Education institutions was of the view that any relaxation to minority institutions should be for infrastructural needs and not on quality of education.

But, the UGC has other ideas. Its agenda note for the meeting asked the

commission to consider that minority institutions should be kept outside the purview of UGC's regulations on minimum qualification for appointment of staff to enable minority institutions to make appointments of their choice.

The issue came before the commission on behest of HRD minister Arjun Singh to whom principal of Loyola College, Chennai, Fr. A.J. Albert Muthumala had made a request to give exemption to minority institutions from UGC regulations on appointments.

The principal wrote to Singh that inability to appoint staff on their own choice is an infringement upon minority rights and therefore, minority institutions should be kept outside the purview of UGC regulations.

He found the UGC stipulation of having a Vice-Chancellor's nominee of the affiliating university in the selection committee to appointment teachers as the biggest stumbling block in appointment of teachers of their own choice.

Failure of Loyola University to have V-C nominee in appointment of teachers had resulted in the Madras University not approving appointment of 28 teachers in the last one year.

The university had even rejected appointment of principal of another minority institution Stella Maris College in Chennai.

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