



GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XXX OF 2006

**THE MAHARASHTRA PRIVATE PROFESSIONAL EDUCATIONAL
INSTITUTIONS (RESERVATION OF SEATS FOR ADMISSION
FOR SCHEDULED CASTES, SCHEDULED TRIBES, DE-NOTIFIED
TRIBES (*VIMUKTA JATIS*), NOMADIC TRIBES AND OTHER
BACKWARD CLASSES) ACT, 2006.**

(As modified upto 13th December 2018)

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2006 : Mah. XXX]

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INSTITUTIONS (RESERVATION OF SEATS FOR ADMISSION
FOR SCHEDULED CASTES, SCHEDULED TRIBES, DE-NOTIFIED
TRIBES (*VIMUKTA JATIS*), NOMADIC TRIBES AND OTHER
BACKWARD CLASSES) ACT, 2006.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Applicability.
4. Reservation in Aided Private Professional Educational Institutions.
5. Reservation in Unaided Private Professional Educational Institutions.
6. Irregular admissions void.
7. Penalty.
8. Protection of action taken in good faith.
9. Power to make rules.
10. Provisions of the Act to be in addition to any other law.
11. Provisions not to prohibit Minority Educational Institutions from making reservations.
12. Power to remove difficulty.
13. Repeal of Mah. Ord. V of 2006 and saving.

MAHARASHTRA ACT No. XXX OF 2006¹.

**[THE MAHARASHTRA PRIVATE PROFESSIONAL EDUCATIONAL INSTITUTIONS
(RESERVATION OF SEATS FOR ADMISSION FOR SCHEDULED CASTES, SCHEDULED
TRIBES, DE-NOTIFIED TRIBES (*VIMUKTA JATIS*), NOMADIC TRIBES AND OTHER
BACKWARD CLASSES) ACT, 2006.]**

(This Act received the assent of the Governor on the 29th July 2006; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 1st August 2006.)

An Act to make special provisions for reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes in Private Professional Educational Institutions; and for matters connected therewith or incidental thereto.

WHEREAS, the Supreme Court, in the case of P. A. Inamdar and Others *versus* State of Maharashtra (reported in (2005) 6 SCC 537), has held that neither can the policy of reservation be enforced by the State nor can any quota or percentage of admission be carved out to be appropriated by the State in Private Professional Educational Institutions;

AND WHEREAS in order to protect the interests of any socially and educationally backward classes of citizens or the Scheduled Castes or the Scheduled Tribes, article 15 of the Constitution of India has been amended by the Constitution (Ninety-third Amendment) Act, 2005, by adding clause (5) thereto, which empowers the State to make, by law, a special provision for the advancement of those classes, castes and tribes, in so far as such special provisions relate to their admission to educational institutions, including private educational institutions, whether aided by the State or not, other than the minority educational institutions referred to in clause (1) of article 30 of the Constitution;

AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make, by law, special provisions for reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes in Private Professional Educational Institutions; and for matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Ordinance, 2006, on the 16th June 2006;

Mah. Ord. V
of 2006.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Act, 2006.

Short title,
extent and
commence-
ment.

(2) It shall extend to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 16th June 2006.

¹ For Statement of Objects and Reasons (English), see *Maharashtra Government Gazette*, Extraordinary, No. 42, Part V-A, dated the 3rd July 2006, p.283.

Maharashtra Private Professional Educational Institutions (Reservation of Seats for admission for Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis) Nomadic Tribes and Other Backward Classes) Act, 2006. [2006 : Mah. XXX]

Definitions.

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

(a) “Aided Private Professional Educational Institution” means a Private Professional Educational Institution, excluding a Minority Educational Institution referred to in clause (I) of article 30 of the Constitution, receiving recurring financial aid or assistance in whole or in part from the Government, or from any body under the control of the Government;

(b) “Appropriate Authority” means, the Medical Council of India, the Dental Council of India, the Central Council of Indian Medicine, the All India Council of Technical Education, and includes any other authority established by law that governs or controls the conduct of a particular professional course or educational discipline;

(c) “Creamy Layer” means the category of ‘Creamy Layer’ as declared by the Social Justice, Cultural Affairs and Special Assistance Department of the Government, on the basis of income, by general or special orders, issued from time to time;

(d) “De-notified Tribes (*Vimukta Jatis*)” means the Tribes declared as such by the Government, from time to time;

(e) “Government” means the Government of Maharashtra;

(f) “Minority Educational Institution” means a Private Professional Educational Institution administered, managed and controlled by a minority and shall include any such educational institution declared by the Government to be an institution entitled to enjoy the protection granted under clause (I) of article 30 of the Constitution;

(g) “Nomadic Tribes” means the Tribes wandering from place to place in search of their livelihood, as declared by the Government, from time to time;

(h) “Other Backward Classes” means any socially and educationally backward classes of citizens as declared by the Government and includes Other Backward Classes declared by the Government of India in relation to the State of Maharashtra;

(i) “Private Professional Educational Institution” means any College, School, Institute, Institution or other body, by whatever name called, conducting any professional course or courses approved or recognized by the Appropriate Authority and affiliated to any University, but shall not include any such institution established, maintained or administered by the Central Government, any State Government, any local authority or institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956;

3 of 1956.

(j) “Professional Course” means any educational course of study notified as such, from time to time, by the Government in the *Official Gazette*;

(k) “prescribed” means prescribed by the rules framed by the Government under this Act;

(l) “Reserved Category” means the category of candidates belonging to—

(i) the Scheduled Castes and the Scheduled Tribes;

2006 : Mah. XXX] *Maharashtra Private Professional Educational Institutions (Reservation of Seats for admission for Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis) Nomadic Tribes and Other Backward Classes) Act, 2006.*

(ii) the De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, and Other Backward Classes and who are not falling in Creamy Layer;

(iii) "Sanctioned Intake" means the total number of seats sanctioned or approved by the Appropriate Authority for admitting candidates in a single academic year in each Professional Course of study or discipline in a Private Professional Educational Institution;

(n) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution;

(o) "Unaided Private Professional Educational Institution" means a Private Professional Educational Institution, not being an Aided Private Professional Educational Institution;

Mah. X of 1999.
Mah. XXXV of 1994.
3 of 1956.

(p) "University" means the Maharashtra University of Health Sciences constituted under the Maharashtra University of Health Sciences Act, 1998, or any other University constituted or deemed to have been constituted under the Maharashtra Universities Act, 1994, but does not include any institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956.

3. This Act shall apply to all Private Professional Educational Institutions in the State, excluding the Minority Educational Institutions. Applicability.

4. (1) In every Aided Private Professional Educational Institution, seats equal to fifty per cent. of the Sanctioned Intake of each Professional Course shall be reserved for candidates belonging to the Reserved Category. Reservation in Aided Private Professional Educational Institutions.

(2) The seats reserved for candidates belonging to the Reserved Category under sub-section (1) shall be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, respectively, in the proportion specified in the Table below :-

TABLE

Description of Caste/Tribe/Category/Class of Reserved Category	Percentage of reservation
(1) Scheduled Castes and Scheduled Castes converts to Buddhism	13%
(2) Scheduled Tribes	7%
(3) De-notified Tribes (A)	3%
(4) Nomadic Tribes (B)	2.5%
(5) Nomadic Tribes (C)	3.5%
(6) Nomadic Tribes (D)	2%
(7) Other Backward Classes	19%
Total . .	50%

Maharashtra Private Professional Educational Institutions (Reservation of Seats for admission for Scheduled Castes, Scheduled Tribes, De-Notified Tribes (VimuktaJatis) Nomadic Tribes and Other Backward Classes) Act, 2006. [2006 : Mah. XXX]

Note. — The candidates belonging to the Special Backward Category shall be considered from and out of their respective original/parent Reserved Category such as Other Backward Classes :

Provided that, if candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (A), Nomadic Tribes (B), Nomadic Tribes (C), Nomadic Tribes (D) or Other Backward Classes are not available to fill in the seats reserved for the said Castes, Tribes or Classes, in the same academic year, the seats shall be filled in, in such manner as may be specified, by Government by issuing an Order in the *Official Gazette*, from time to time.

Explanation. — For the purposes of this section,—

(i) “De-notified Tribes (A),” “Nomadic Tribes (B),” “Nomadic Tribes (C)” and “Nomadic Tribes (D)” shall mean such Tribes or sub-Tribes, declared by Government, by general or special orders issued in this behalf, from time to time, to be “the De-notified Tribes (A),” “Nomadic Tribes (B)” “Nomadic Tribes (C)” and “Nomadic Tribes (D)”;

(ii) “Special Backward Category” means socially and educationally backward classes of citizens declared as “Special Backward Category” by the Government.

Reservation
in Unaided
Private
Professional
Educational
Institutions.

5. (1) In every Unaided Private Professional Educational Institutions, the seats to be reserved for candidates belonging to the Reserved Category shall be such as may be notified by the Government from time to time in the *Official Gazette*, but shall not exceed fifty per cent. of the Sanctioned Intake of any particular Professional Course.

(2) Out of the seats reserved under sub-section (1) for the candidates belonging to the Reserved Category, the seats to be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, respectively, shall be in the same *inter se* proportion, and in the manner, specified in sub-section (2) of section 4.

Irregular
admissions
void.

6. Any admission made in contravention of the provisions of this Act shall be void.

Penalty.

7. Whoever contravenes the provisions of this Act or the rules made thereunder shall, on conviction, be punished with an imprisonment which may extend to three years and with a fine which shall not be less than twenty lakh rupees but which may extend to one crore rupees.

Protection of
action taken
in good
faith.

8. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

Power to
make rules.

9. (1) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, 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 or omitted to be done under that rule.

2006 : Mah. XXX] *Maharashtra Private Professional Educational Institutions (Reservation of Seats for admission for Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis) Nomadic Tribes and Other Backward Classes) Act, 2006.*

10. The provisions of this Act shall be in addition to and not in derogation of the provisions contained in any other law for the time in being in force.

Provisions of the Act to be in addition to any other law.

11. Notwithstanding anything contained in any other provisions of this Act, any Minority Educational Institution, whether aided or not, may provide for reservation in admissions to Professional Courses for candidates belonging to the Reserved Category.

Provisions not to prohibit Minority Educational Institutions from making reservations.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty;

Power to remove difficulty.

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

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. V of 2006.

13. (1) The Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Ordinance, 2006, is hereby repealed.

Repeal of Mah. Ord. V of 2006 and saving.

(2) Notwithstanding such repeal anything done or any action taken (including any notification or order issued), under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

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Ref. No. Special Cell/A-04/2017-18/ 29

Dt. June 01, 2017.

To,

1. The Principals of the Colleges conducted by and affiliated to the University (incl. Autonomous College),
2. The Directors/Co-Ordinators/
Head of the Departments/Institutions, Churchgate, Juhu & Pune Campus.
3. The Head Mistresses,
of Kanyashalas run by the University, Mumbai and Pune.
4. The Directors/Heads, of the Recognized Institution.
5. Chairperson / Chairman, Centralised Admission Committee.
6. The In-charge / Hostel Superintendent, Churchgate, Juhu & Pune Campus.

Subject : Formation of the Admission Committee 2017-2018 for various courses of studies (other than professional courses and such other courses, where the Common Admission Test/ Centralized Admission Process is prescribed).

Sir/Madam,

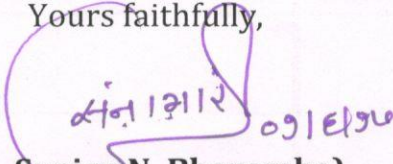
The University is implementing the reservation policy of the State Government and the University Grants Commission, New Delhi. The Guidelines in respect of reservation in admission to various courses of studies (other than professional courses and such other courses where Common Admission Test/ Central Admission Process is prescribed such as B.Ed., B. Design, B.Sc. Nursing etc.) run by the Conducted Colleges / Affiliated Colleges / Autonomous College / Institutes / Departments / Schools, etc. are enclosed herewith for ready reference of the concerned.

You are, requested to follow the same scrupulously, such as to **constitute the Admission Committee** for various courses of studies (other than professional courses or such other courses where the Common Admission Test/ Central Admission Process for Admission is prescribed such as B.Ed., B. Design, B. Sc. Nursing etc.). The Admission Committee must have one representative of the SC/ST to ensure the effective implementation of the Reservation Policy of the state Government/U.G.C.. In case, a representative of the Backward Classes is not available in the Institution/College, the same may be intimated urgently to **the Registrar/Deputy Registrar, Special Cell**, for necessary action. The representative of SC/ST/ category, whoever selected be asked to get brief or uptodate on the rules of reservation or role of representative from the Deputy Registrar Special Cell.

The report of the Admission Committee so constituted at the College level and the Committee for the professional courses constituted at the University level be forwarded to the University in the prescribed Proforma 'A' for office record, preferably before the commencement of admission programme or within a week of completion of the Admission process. A detailed report on the admission process be also sent to the **Deputy Registrar, Special Cell** at the following address immediately, after the admission process is over, in enclosed Proforma, 'B' & 'B'-1 for onward transmission to the State Government and the U.G.C. New Delhi.

**The Deputy Registrar,
Special Cell,
S.N.D.T. Women's University,
Mumbai - 400 020.
Tel. No. : 022- 2207 4940 / 50.
E-mail : specialcell@sndt.ac.in**

Yours faithfully,


(Dr. Sanjay N. Bharambe)
Registrar

31/5

Encl. : As above.

ADMISSION COMMITTEE : 2017-18

PROFORMA 'A'

Name & Address of the College/Instt./Dept. : _____

(Note : Signature of all Committee Members are required along with the names & designation)

	Name		Designation		Signature
1)	_____		Chairperson	_____	_____
2)	_____		Member	_____	_____
3)	_____		Member	_____	_____
4)	_____		Member	_____	_____
5)	_____		Representative of Backward Classes	_____	_____

Place :

Date :

Signature of the Principal/H.O.D./Director
Seal/Rubber Stamp of Instt./College/Dept.

ADMISSION COMMITTEE : 2017-18

Information in respect of Admission for the Academic Year 2017-18

PROFORMA 'B'

Name & Address of the College/Instt./Dept. : _____

Date & Time of the Finalization Admission Committee : _____

Sr. No.	Name of the Courses Faculty-wise (Under-Graduate & Post-Graduate Degree & Diploma Courses)	Total Intake Capacity	No. of Students Applied								Grand Total		
			Open	SC	ST	DT/NT						OBC	SBC
						A	B	C	D	Total			
Total													

Sr. No.	Name of the Courses Faculty-wise (Under-Graduate & Post-Graduate Degree & Diploma Courses)	NO. OF STUDENTS ADMITTED									Grand Total		
		Open	SC	ST	DT/NT					OBC		SBC	
					A	B	C	D	Total				
		50%	13%	7%	3%	2.5%	3.5%	2%	11%	19%			
Total													

Note : The students belonging to the Special Backward Category (SBC) shall be considered from and out of their respective original / parent Reserved Category such as Other Backward Classes; Provided that, if students belonging to the SC's, ST's, DT/NT's OR OBC's are not available to fill in the seats reserved for the said Castes, Tribes or Classes in the same academic year, the seats shall be filled in, in such manner as may be specified, by Government by issuing an order in the Official Gazette, from time to time.

Signature of the Principal/H.O.D./Director
Seal/Rubber Stamp of Instt./College/Dept.

ADMISSION COMMITTEE : 2017-18

Information in respect of Admission for the Academic Year 2017-18
(For Junior College & Diploma Course)

PROFORMA 'B-1'

Name & Address of the College/Instt./Dept. : _____

Date & Time of the Finalization Admission Committee : _____

Sr. No.	Name of the Courses Faculty-wise (Junior College & Diploma Courses)	Total Intake Capacity	No. of Students Applied								Grand Total		
			Open	SC	ST	DT/NT						OBC	SBC
						A	B	C	D	Total			
Total													

Sr. No.	Name of the Courses Faculty-wise (Junior College & Diploma Courses)	NO. OF STUDENTS ADMITTED									Grand Total	
		Open	SC	ST	DT/NT					OBC		SBC
					A	B	C	D	Total			
		50%	13%	7%	3%	2.5%	3.5%	2%	11%	19%		
Total												

Note : The students belonging to the Special Backward Category (SBC) shall be considered from and out of their respective original / parent Reserved Category such as Other Backward Classes; Provided that, if students belonging to the SC's, ST's, DT/NT's OR OBC's are not available to fill in the seats reserved for the said Castes, Tribes or Classes in the same academic year, the seats shall be filled in, in such manner as may be specified, by Government by issuing an order in the Official Gazette, from time to time.

Signature of the Principal/H.O.D./Director