

# THE BIHAR (IN ADMISSION IN EDUCATIONAL INSTITUTIONS) RESERVATION ACT, 2003

[BIHAR ACT NO. 16 OF 2003]

**Preamble** - To provide for adequate representation of Scheduled Castes, Scheduled Tribes and other Backward Classes in Admission at all levels and in all kinds of educational Institutions such as General, Technical, Non-Technical, Commercial, etc. either fully or partially aided by the State Government.

**Be it enacted by the Legislature of the State of Bihar the fifty fourth year of the Republic of India as follows:**

**1. Short title, extent and commencement** - (1) This Act may be called the Bihar (In Admission in educational Institutions) Reservation Act, 2003.

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

(3) It shall come into force with immediate effect.

**2. Regulation of Reservation of admission** - (1) In any educational Institutions fully or partially aided by the State Government shall be regulated in the following manner name by :-

(a) From open merit category	50%
(b) From Reserved category	50%
(2) The vacancies for different categories of reserved candidates from amongst the 50% reserved category, subject to other provisions of this Act shall be as follows:-	
(a) Scheduled Castes	16%
(b) Scheduled Tribes	01%
(c) Extremely Backward Classes	18%
(d) Backward Classes	12%
(e) Women of Backward Classes	3%
Total	50%

(3) Such reserved category candidate who is selected on the basis of his merit, shall be counted against 50% vacancies in the open merit category and not against the reserved category vacancies.

(4) Women of Backward Classes means women of all reserved classes and include's women of Scheduled Castes, Scheduled Tribes, Extremely Backward Classes and Backward Classes.

(5) No other reservation shall be made except reservation percentage granted by the concerned educational institute and amended of reservation percentage granted by them from time to time for the candidates out of Bihar.

(6) (a) After providing the opportunity for admission to the candidates having descending order of merit of Lower qualification as to marks obtained etc. fixed by the concerned educational Institutions, if the reservation percentage of any reserved category is not filled shall be regulated in the following manner:-

- Exchange shall be possible between the Scheduled Castes and Scheduled Tribes.
- Exchange shall be possible between the Extremely Backward Classes and Backward Classes.

(b) After having completed the procedure contained in clause (a) of sub-section (6) if the reservation percentage of any reserved category is not exhausted then candidates belonging to unreserved category shall be admitted against

such vacancy on duly declared it reserved through the administrative dept. during the session by the Administrative Department for the said session.

(c) In case of non-availability of suitable candidates for the vacancies reserved for women of Backward classes, the vacancies shall be filled in order of preference as follows :-

- by the candidates of the Scheduled Castes.
- by the candidates of the Scheduled Tribes.
- by the candidates of the extremely backward classes.
- by the candidates of backward classes.

**3. Power of State Government to call for records** - Any member of the Scheduled Castes/Scheduled Tribes/Extremely Backward Classes/Backward Classes/Women of Backward Classes who is adversely affected by any Act of an authority in charge of Admission on account of non-compliance of the provisions of this Act or the Rules made there under, may bring the fact to the notice of the State Government and upon application made by him the State Government may call for such records or take such action thereon as it may deem fit.

**4. Bar to any proceeding for action taken in good faith.** No suit prosecution or other legal proceeding shall lie against any person for any thing which done or intended to be done in good faith under this Act.

**5. Penalty** - If any Authority in charge of Admission make an admission in contravention of any of the provision of this Act he shall be punishable with fine which may extend to one thousand Rupees or imprisonment for three months or both.

**6. Removal of difficulties** - If any difficulty arises in given effect to the provisions of this Act, the State Government may take such steps or issue such orders not in consistent with the provisions of this Act as it may consider necessary for removing the difficulty.

**7. Power to make Rule** - The State Government may make rules for carrying out purposes of this Act.

Provided that every Rule made under this section 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 fourteen days which may be comprised in one session or in two successive sessions and if, before expiry of the session in which is so laid of the session immediately following both the Houses agree in making any modification in the Rules or both the House agree with the rules should not be made, the Rules shall there after 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 any thing previously done under that Rules.

**8. Over riding effect of the Act** - Notwithstanding any thing contrary in any other law and Rules for the time being inforces, any judgement or decree of a court, any order notification, circular, Scheme, rule or resolution made or issued, the provision of this Act shall prevail.

Provided that any other law or rule for the time being in force, any order notification, circular Scheme resolution made, issued or passed prior to this Act, so far as it not be inconsistent with this Act, shall continue to be inforce and shall be deemed to have been made issued or passed under this Act.

**9. Repeal and saving** - (1) All order/Resolution/Circulars etc. related to this which are in consistent with this Act, shall be deemed to have been repealed to that extent.

(2) Any thing done or any action taken under any order/Resolutions/Circular before the commencement of this Act shall be deemed to be done or taken under this Act as if were applicable under this Act.