

**THE SIKKIM RESERVATION OF SEATS IN PRIVATE
EDUCATIONAL INSTITUTION BILL, 2008**

(BILL NO. 19, 2008)

**A
BILL**

to provide for law regulating reservation of seats in private educational institution.

Be it enacted by the Legislature of Sikkim in the Fifty-ninth year of the Republic of India as follows.

Short title extent and commencement.	1.	(1) This Act may be called the Sikkim Reservation of Seats in Private Educational Institution Act, 2008. (2) It shall extend to the whole of Sikkim. (3) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.
Definitions	2.	In this Act, unless the context otherwise requires:- (a) "Act" means the Sikkim Reservation of Seats in Private Educational Institution Act, 2008; (b) "academic session" means academic calendar year as may be notified by the State Government under the provisions of the Sikkim Education Act, 2005; (c) "Authority" means the Secretary to the Department of Human Resource and Development; (d) "Educational Institution" means any institution imparting education either technical or non-technical or vocational curriculum and is governed by the provisions of the Sikkim Education Act, 2005 and is administered by private person or private entity; (e) "local student" means the student whose parents possess Sikkim Subject Certificate or Certificate of Identification; (f) "prescribed" means prescribed by rules made under the Act; (g) "reservation" means reservation of seats for admission of students to receive education in the Institute; (h) "Registering Authority" means the authority as defined under the Sikkim Education Act, 2005.
Reservation of seats for admission in private educational institution	3.	(1) All private educational institutions shall reserve at least 20% of its total seats to be filled up by local students whose parents possess Sikkim Subject Certificate/Certificate of Identification. (2) The seats so reserved shall be filled up through such procedure as may be prescribed. In the event of sufficient number of local students not being found in any academic session, it may be filled up by the institution from amongst any other category of students by adopting a transparent procedure.
Power to make rules.	4.	The State government may make rules to carry out the purposes of this Act.

STATEMENT OF OBJECT AND REASON

The Government of Sikkim is desirous of availing of the educational opportunities in the State as education is necessary for overall advancement of society. There are several private educational institutions coming up in the State for which the State Government has deemed it expedient to enact a legislation for reservation of at least 20% seats in those Private Educational Institution for local students.

With this objective in view, the Bill has been framed.

G. M. Gurung
Minister - in - Charge

FINANCIAL MEMORANDUM

NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act. As such, the delegation of power is normal in character.

G. M. Gurung
Minister - in - Charge
Human Resource Development Department