Central Educational Institutions (Reservation in Teachers' Cadre) Bill

Why in news?

The Lok Sabha has passed the Central Educational Institutions (Reservations in Teachers' Cadre) Bill-2019, replacing an earlier ordinance.

Why was an ordinance passed?

- In 2018, the UGC announced that an individual department (instead of the institution) will be considered as the base unit to calculate the number of teaching posts to be reserved.
- This was based on an Allahabad High Court order from 2017.
- This led to a move from the 200-point roster system to a 13-point roster.
- [The 200-point roster system considers the university as the unit rather than the 13-point roster system which considers department as the unit.]
- The Supreme Court rejected the review petition by the government on the UGC directive.
- So the government passed an Ordinance.
- According to the ordinance, the system will revert to a 200-point roster.
- This was also endorsed by student and teacher organisations across the country.

What is the objective of the Bill?

- This Bill is to ensure reservations in teaching positions in central institutions for persons belonging to –
    i. Scheduled Castes
    ii. Scheduled Tribes
    iii. socially and educationally backward classes
    iv. economically weaker sections
- According to the HRD Ministry, there are more than 7,000 teaching jobs lying vacant in central educational institutions.
- This Bill is aimed at filling those vacancies.
- It also serves the purpose of fulfilling the demands of people from the above sections, for their rights as mentioned in the Constitution.

What are the key provisions?

- **Coverage and exceptions** - The Bill will apply to 'central educational institutions' which include -
    i. universities set up by Acts of Parliament
    ii. institutions deemed to be a university
    iii. institutions of national importance
    iv. institutions receiving aid from the central government
- However, it excludes certain institutions of excellence, research institutions, and institutions of national and strategic importance.
- E.g. Homi Bhabha National Institute, Tata Institute of Fundamental Research, Jawaharlal Nehru Centre for Advanced Scientific Research, etc.
- It also excludes minority education institutions.
- **Reservation of posts** - The Bill provides for reservation of posts in direct recruitment of teachers (out of the sanctioned strength).
- [Direct recruitment takes place by inviting applications from those eligible to teach in a Central institution, as against public advertisement.]
- For the purpose of such reservation, a central educational institution will be regarded as one unit.
- So, allocation of teaching posts for reserved categories would be done on the basis of all positions of the same level (such as assistant professor) across departments.
- [Under previous guidelines, each department was regarded as an individual unit for the purpose of reservation.]

What is the rationale?

- The High Court noted that institution-wise reservation would result in some departments having only reservation beneficiaries and others only those from the open category.
- While this is agreeable, having department as the unit too would mean that smaller faculties do not have any reservation.
- In this, it needs 14 posts to accommodate SC and ST candidates, as their turn would come only at the seventh and 14th vacancy.
- There may be no vacancies in many departments for many years, with none from the reserved categories for decades.
- So, the narrower basis (department-wise) would mean fewer aspirants from OBC and SC/ST sections being recruited as assistant professors.
- Instead, taking the institution as the unit would give more opportunities for these sections.
- In other words, in a wider pool of posts, the quotas of 27% for OBC, 15% for SC and 7.5% for ST could be effectively applied.

How will it benefit?

- According to the UGC's annual report for 2017-18, nearly two-thirds of assistant professors in Central universities are from the general category.
- Their representation would go up further, as the present Bill also applies the 10% quota for the economically weak among the general category.
- Given this, applying the court's department-wise roster norm would have deepened the sense of deprivation of the backward classes and SC/ST communities.
- In this light, the Bill provides a welcome relief for aspirants from the disadvantaged sections of society.
- Restoring the earlier system would serve a vital social purpose and ensure social justice in teachers' reservation.

Source: PRS India, The Hindu

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