

KARNATAKA ACT NO. 13 OF 2020

THE NATIONAL LAW SCHOOL OF INDIA (AMENDMENT) ACT, 2020

Arrangement of Sections

Sections:

1. [Short title and commencement](#)
2. [Amendment of section 4](#)

STATEMENT OF OBJECTS AND REASONS

Act 13 of 2020.- Whereas there are 19 National Law School Universities in India wherein horizontal reservation of State domicile is provided as under:-

- (1) 25% of seats are horizontally reserved for candidates of domicile of State of Madhya Pradesh in National Law School University, Bhopal.
- (2) 10% of seats are reserved for Punjab residents in Rajiv Gandhi National University, Punjab.
- (3) 30 seats are reserved for permanent residents of Assam in National Law University and Judicial Academy, Assam.
- (4) 80 seats out of 258 seats are reserved for candidates of domicile of Uttar Pradesh in Dr. Ram Manohar Lohia National Law University, Lucknow.
- (5) 30 seats out of 120 seats are reserved for General Candidates of Andhra Pradesh in DamodarSanjivayya National Law University, VishakaPatnam, Andhra Pradesh.
- (6) 16 General Tamil Nadu seats are filled out of 54 seats in Tamil Nadu National Law School Tiruchirapalli, Tamil Nadu.
- (7) 16 seats out of 81 seats are reserved for residents of Telangana in National Academy of Legal Studies and Research University, Hyderabad.
- (8) 80 seats out of 187 seats are filled horizontally by Chattisgarh domicile students in Hidayatulla National Law University, Raipur.

Whereas National Law School of India University, Bangalore is a creature of the State Legislature. No reservation is provided in the said University for Karnataka Students and they are deprived of this opportunity. Institutional reservation for Karnataka Students is permissible as per the Hon'ble Supreme Court Judgement in Sourabh Choudary v/s Union of India (2003) 11 SCC 146 and in Sourabh Dwivedi v/s union of India (2017) SCC 626 dt.7-6-2017 upto the extent of 50% in undergraduate Courses.

In Yatin Kumar Jasubhai Patel v/s State of Gujarat in W.A.No.7939 of 2019. Dt.4-10-2019 the Hon'ble Supreme Court has held as follows:-

“The decision of this Court in the case of Dinesh Kumar (Dr.) (II) (supra) permitting 25% Institutional Preference has been distinguished by a Constitutional Bench of this Court in the case of Saurabh Chaudri (supra). Therefore, once the Institutional Preference to the extent of 50% of the total number of open seats has held to be permissible, in that case, thereafter it will be for the appropriate authority/State to

consider how much percentage seats are to be reserved for Institutional Preference/Reservation. It will be in the realm of a policy decision and this Court cannot substitute the same, unless it is held to be arbitrary and/or mala fide and/or not permissible. As observed hereinabove, a five Judge Bench of this Court in the case of Sourabh Chaudri (supra) has categorically allowed/permitted/approved the Institutional Preference/Reservation in the post graduate medical courses to the extent of 50% of the total number of open seats.”

Now therefore initially it is considered necessary to provide for 25% of seats to Karnataka Students in National Law School of India, University Bangalore by amending the Karnataka National Law School of India Act, 1986 (Karnataka Act 22 of 1986).

[L.A. Bill No. 03 of 2020, File No. Samvyashae 34 Shasana 2017]

[Entry 25 and 26 of List III of the Seventh Schedule to the Constitution of India]

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KARNATAKA ACT NO. 13 OF 2020

(First Published in the Karnataka Gazette Extra-ordinary on the 27th Day of April, 2020)

THE NATIONAL LAW SCHOOL OF INDIA (AMENDMENT) ACT, 2020

(Received the assent of Governor on the 27th day of April, 2020)

An Act further to amend the National Law School of India Act, 1986.

Whereas, it is expedient to amend the National Law School of India Act, 1986 (Karnataka Act 22 of 1986) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy First year of the Republic of India as follows.-

1. Short title and commencement.- (1) This Act may be called the National Law School of India (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 4.-In section 4 of the National Law School of India Act, 1986 (Karnataka Act 22 of 1986) after sub-section (2), the following shall be inserted, namely:-

"(3) Notwithstanding anything contained in this Act and the regulations made thereunder, the school shall reserve horizontally twenty five percent of seats for students of Karnataka.

Explanation: For the purpose of this section "student of Karnataka" means a student who has studied in any one of the recognized educational institutions in the State for a period of not less than ten years preceding to the qualifying examination."

By Order and in the name of
the Governor of Karnataka,

(K. DWARAKNATH BABU)
Secretary to Government
Department of Parliamentary Affairs
and Legislation