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CHAPTER IV FIXATION OF FEE Factor'. CHAVIER V MISCELLANEOUS Appeal. Act to have overriding effect. Power to•make rules. Power to make regulations. Rules to be laid before Legislative Assembly. Power to remove difficulties. Protection of action taken good faith, Repeal and Savings. 794 (8) Short title, extent and commencement. Application. Definitions. 4 2007 MADHYA PRADESH ACT No. 21 OF 2007. THE MADHYA PRADESH NIJI VYAVSAYIK SHIKSHAN SANSTHA (PRAVESH KA VINIYAMAN AVAM SHULK KA NIRDHARAN) ADHINIYAM, 2007. (Received the assent of the Governor on the 4th August, 2007; assent first published in the 'CMadhya Pradesh Gazzette (Extra-ordinary)'" dated the 4th August, 2007). An Act to provide for !he• regulation of admission and fixation of fee in private professional educational institutions in the State of Madhya Pradesh and to provide for reservation of seats to persons belonging •to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes .in professional educational institution and the matters connected therewith or incidental theretO. Be it enacted by the Madhya Pradesh Legislature in the Fifty-eighth year of the Republic of India as follows : CHAYTER 1 PRELIMINARY (l) .This Act may be called the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha 1. (Pravesh Ka Mniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007. (2) It extends to the whole of Madhya Pradesh. (3) It shall come into force from the date of its publication in the Officiar Gazette. 2. • This Act applies to,— (a) (b) institutions deemed to be universities, or constituent units !hereto, imparting professional edugatiOn, other than those .promoted and maintained by the Central or State Government; and the private unaided professional educational institutionS affiliated-to a university established under the Central or Madhya Pradesh -Act. In this Act; unless the context otherwiserequires,— 3. (a) (b) (d) (e) "appropriate authority" means a Central or State authority eStablished by the Central or the State Government for laying down norms and conditions for ensuring standards. of professional education; "capitation fees" means any amount by. yhatever name called whether in cash or in kind paid or collected orreceived diectly or indirectly in addition to the fees determined under this Act; "Committee" means the Admission and Fee Regulatory Committee constituted under section 4; "common •entrance test" means an entrance test, conducted for determination of merit of the candidates followed by centralized counseling for the purpose of merit based admision to professional colleges or institutions through a single window procedure by the State Government or by any agency authorized by it; "fee" means all fee including tuition fee and development charges; "foreign candidate" means a person holding a foreign passport seeking admission impartiqg professional education or in a private unaide professional institution in Madhya Pradesh; (g) (h) (k) (m) (n) (o) (p) (q) 4 2007 "management" means any person or body, by whatever name called, managing and controlling the private unaided professional educational institution; "minority" means a minority defined under section 2(f) of the National Commission for Minority Educational Institution Act, 2004 (2 of 2005); 'iminority .institution" means an institution imparting professional education, established and administrated by a minority; "non-resident Indian" shall have the same meaning as assigned to it in clause (e) of section 115C of the Income-

tax Act, 1961 (43 of 1961); "Other Backward Classes" means the Other Backward Classes of citizens as specified by the State Government vide Notification No. F8S-XXV-4-84; dated the 26th December, 1984 as amended from time to time; "private unaided professional educational institution" means a professional educational institution which is not receiving recurring financial aid or grant-in-aid from any State or Central Government and which is not established or maintained by the Central Government, the State Government or any public body; "professional course" means a course of study notified as a professional course by the appropriate authority, such as degree diploma or certificate whatever name called; "professional educational institution" means a college or university by whatever name called, imparting professional education; "State University" means a State University, including a private university established or incorporated by an Act of the State Legislature or constituent unit of a State deemed to be a university under section 3 of the University Grants Commission Act, 1956 (3 of 1956) and approved or recognized by the competent statutory body regulating professional education; "reserved seats" means the seats reserved in favour of persons belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes as may be notified by the State Government; "sanctioned intake" means and implies the total number of seats sanctioned by an appropriate authority and notified by the State Government for admitting students in each course of study in a professional institution; "Scheduled Castes" means any caste, race or tribe or part of or group within caste, race or tribe specified as Scheduled Castes with respect to the State of Madhya Pradesh under article 341 of the Constitution; "Scheduled Tribes" means any tribe or tribal community or part of, or group within such tribe or tribal community specified as Scheduled Tribes with respect to the State of Madhya Pradesh under article 342 of the Constitution.

CHAPTER 11 ADMISSION AND FEE REGULATORY COMMITTEE

4. (1) The State Government shall, by notification in the official Gazette, constitute a Committee to be called the Admission and Fee Regulatory Committee, for the supervision and guidance of the admission process and for the fixation of fee to be charged from candidates seeking admission in a private professional educational institution.

(2) Constitution, composition, disqualifications and functions of Committee.

(3) The Committee shall be presided by a Chairperson who has been a Vice-Chancellor of a Central University or a State University or an institution deemed to be a University or a senior administrative officer not below the rank of Principal Secretary to the State Government or Joint Secretary to the Government of India and shall include four other members having expertise in matters of finance, administration or law, technical education and medical education.

(4) The term of the Committee shall be three years from the date of its notification and in case of any vacancy arising earlier, for any reason, the State Government shall fill such vacancy for the remainder of the term.

(5) No act or proceedings of the Committee shall be deemed to be invalid by reason merely of any vacancy or any defect in the constitution of the Committee.

(6) No person who is associated with a private aided or unaided educational institution shall be eligible for being a member of the Committee.

(7) The Chairperson or any member of the Committee shall cease to be so, if he performs any act, which in the opinion of the State Government is unbecomingly of Chairperson or a member of the Committee.

(8) The Committee may frame its own procedure in accordance with the regulations notified by the State Government in this regard.

(9) The Committee may require a private aided or unaided professional educational institution or, a deemed University to furnish, by a prescribed date, information as may be necessary for enabling the Committee to determine the fee that may be charged by the institution in respect of each professional course, and the fee so determined shall be valid for such period as notified by the State Government.

(10) The Committee may hear complaints with regards to admission in contravention of the provisions contained herein, collecting of capitation fee or fee in excess of fee determined or profiteering by any institution, and if the Committee after enquiry finds that there has been any violation of the provisions for admission on the part of the unaided professional colleges or institution, it shall make appropriate recommendations for returning any excess amount collected to the person concerned, and also recommend to the Government for imposing a fine upto rupees ten lakhs, and the Government may on receipt of such recommendation, fix the fine and collect the same in the case of each such violation or decide any other course of action as it deem fit and the amount so fixed together with interest thereon shall be recovered as if it arrear of land revenue, and the committee may also declare admission made in respect of any or all seats in a particular college or institution to be de hors merit and therefore invalid and communicate the same to the concerned university, and on the receipt of such communication, the University shall debar such candidates from appearing in the

2. In Section 2 of the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No.21 of referred to as the principal Act). for clause the following clauses Shall be substituted, namely:— "(b) the private unaided professional educational institutions affiliated to an university established under the Central Act or iocorporated by an Act of State Legislature and their constituent institutions."

4. In section 4 of the principal Act, for sub-section the following sub-section shall be substituted, namely:—(9) (a) The Committee either on receipt of a complaint or Suo motu may enquire into (b) admission made in contravention of the provisions contained hereunder or collection Of fee in excess of the fee determined under the provisions Of the Act, or realization of capitation fee or profiteering by any private unaided professional educational institution. The Committee may cause an inspection of the institution for the purpose Of making enquiry under clause Provided that the Committee may take cognizance Of any inspection report prepared by the concerned department at the behest of the State Government or the concerned University or the appropriate authority. (c) (i) (iii) fiaiRK 12 2013 If as a result Of the enquiry the Committee finds that there has been any violation by such institution of the provisions of the Act or rules and regulations made thereunder regarding admission or fees. it may take one or more Of the following actions against such institution impose a fine up to ten lac rupees on the institution together with interest thereon at the rate of 12 percent per annum which may be recovered as if an Of land revenue; declare any admission made in contravention of the provisions Of the Act invalid; whereupon the institution shall forthwith cancel the admission of such c;ndldate and the concerned university shall carwel the enrolment of such student and cancel his results of any examirvjtion in which the candidate has already appeared; order the institution to refund to a student within such time as specified in the order, any amount received by it in excess of the fees fixed by the Committee OT any amount received by way of capitation fee or any amount received for pjofiteering : Provided that if the institution fails to refund the amount within the specified time to (v) the Student. the same shall be

recoverable along with interest thereon at the rate of 12 percent per annum as an arrear of land revenue and paid to the student: order the institution to stop admission or reduce the sanctioned intake in any professional course for such period as it may deem fit; recommend to the university or the appropriate authority to withdraw the recognition of the institution; any other course of action, it deems fit."

5. For section IO of the Principal Act, the following section shall be substituted, namely:—"IO. (1) The State Government shall appoint for not more than three years at a time, an 836 (3) Amendment Of Appellate (2) appellate authority, consisting of a person, who has been a judge of the High Court, or a person who has held office not below the rank of the Chief Secretary Of a State, before which a person or a professional institution aggrieved by an order of the Committee may file an appeal, within a period of 30 days of passing Of such an order. While hearing an appeal the Appellate Authority after calling for the records from the Committee and after giving an opportunity of hearing to both the appellant and the Committee shall decide the appeal and the decision made in the appeal shall be final.". wsvw.gñ tpressnp.nic.in iit t. 452) 25 2013--331ffT 3, 1935 2S 2013 (3FINTV'T), 12 2013 (#41 fäfrqtF! faqfot) afqfqqg, 2013 32 2013) g, (3) 3i-\$ 7Tq:-- (1) IS 2013 (2) 836(1) 903 32 (3) 12 2013 •n.f9H--2C',3.

