

MADHYA PRADESH NIJI VYAVSAYIK SHIKSHAN SANSTHA (PRAVESH KA VINIYAMAN AVAM SHULK KA NIRDHARAN) ADHINIYAM, 2007.

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20071. An Act to provide for the 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 institutions and the matters connected therewith or incidental there to. Enacted by the Madhya Pradesh Legislature in the Fifty-eighth year of the Republic of India as follows CHAYIER 1 PRELIMINARY . • (1) This Act may be called the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Vinayatnam Avam Shulk Ka Nirdharan) Adhiniyam, 2007. (2) It extends to the whole of Madhya Pradesh. It shall come into force from the date of its publication in the Official Gazette. (3) 2. This Act applies to,— (b) [n (b) (c) (d) (e) (f) institutions deemed to be universities, colleges, or constituent units thereto, imparting professional education. 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. this Act. unless the context otherwise requires,— "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 whatever name called whether in cash or in kind paid or collected or received directly 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 or merit based admission to professional colleges or institutions through a single window procedure by the State Government or by any agency authorized by it; "fee" means all fees including tuition fee and development charges; "foreign candidate" means a person holding a foreign passport seeking admission in a deemed university imparting professional education or in a private unaided professional institution in Madhya Pradesh; , it includes Other included on of inclusion defined (m) (n) (o) (p) (q) (r) tqqi5 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 Institutions Act. 2004 (2 of 2005); "minority institution" means an institution imparting professional education. established and

adminisrrated 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. F85-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 fmm any State or Central' Government and whith 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 professional course by lhe appropriate authority. such as a degree. diploma or certificate by whatever natne called: professional edDcational institution" means a college or a shcool or an institute by whatever name called, imparting professional education, affiliated to a State University, including a private university e.slablshed or incorporated by an Act of lhe State L.egislature or constituent unit of.a deemed to be university under section 3 of the Universit)' 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 belongino to the Scheduled Castes, lhe 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 authori.ty 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 cribe or part of or group within caste, race or tribe specified as Scheduled Castes with respect to the State of Madhya PradesK 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 ADMISSION AND FEE REGULATORY COMMVPTEE (i) The State Government shall. by notification in the official Gazette, constitute a Commince to be called the Admission and Fee Regulatory Committee, for the supervision and guidange tof the admissior.) process and for the fixaion of fee• to be charged from candidates seeking admission in a private professional edücational institution. 794 (9) Constitution, composition, disqualflcations and functions or Committee. 794 (10) 4 4 2007 (2) The Committee shall. be presided by a Chairpefson who has been a Vice-Chancell of a Central University or a State'Uiversity or an institution to be University or seni administrative officer not below the rank of Principal Secretary to the State Government or Jo• Secretary to the Government of India and shall include four other members having expertise matter; of finance, administration or law, .technical education and medical education. (3) The term of the Committee shåll be three years from the date of its notification:g in case of any vacancy arising earlier, for any reason, the Slate Government. shill fill such vacarw. for the remainder of the term. (Ä) No act or proceedings of the Committee shall be deemed to be invalid by reas merely of any •vacancy or any defect in the constituion of Lhe Committee. (5) No person who is associated with a private hided or unaided educational instituti shall be eligible for being a member of the Committee (6) The Chairpfrson or any member of the Committee shall cease to be so, if he perfor any act, which in the opinion of the State' Government is unbecoming of. Chairpfrson or a membe of the Committee. (7) l'he Committec may frame its own procedure in accordance with the regulation notified by the State Government in this regard. (8) The Committee may requre a pnvate aided or unaided professional education institution or, a deemed University to furnish, by a date, information •as may: necessary for enabling the Committee to determine the fee that may be charged by the institute in respect of each professional course, and lhe fec so determined shall be valid for such pert as notified by the State Government. (9) The Committee may hear complaints with regards to admission In contravention the provisions contained herein, collecting ot: capitation. fee or fee in excess of fee determi or profiteering by any institution, and if the Committee hfter. enquiry finds.that there has b any violation of the provisions for admission on the part of the unaided professional colleges institution, it Shail make appropriate recommendations .fpr returning any exgess amount collect to the person concerned. and .also recommend to the Government for imposing a fine upto ru ten lakhs. and the Government may or ieceipt Qf such recommendation. fix the fine and coll the same in the case of each such violation or deéide any other course of action as it dee and the amount so fixed together with interest thereon shall be recovered as if it is an arrear' land revenue, and the committcc may also declare admissioo made in respect of any or all séa in 8 particular college or institution to be dehors merit qnd therefore invalid and communi' the same to the concerned university, and on the. receipt of' such communication, the Univeis shall debar such candidates

from appearing in the examination and cancel the result examination already. appeared for. (IO) The Committee may, if satisfied that any unaided professional college or institution has violated any of the provision of this Act and after approval of the State Government recommend to the University or appropriate authority for withdrawal of the affiliation recognition of such college or institution or decide any other course of action as it deems fit. (11) The Committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions and shall for the purposes of making any enquiry under this Act have all the powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely: summoning and enforcing the attendance of any witness and examining him (a) on oath; (b) on affidavit; (c) receiving evidence on affidavits; (d) issuing commissions for the examinations of witnesses. (12) The Committee shall ensure that the admission in an institution is done in a fair and transparent manner

CHAPTER 111 ADMISSIONS 5. The eligibility for admission to a private unaided professional educational institution shall be such as may be notified by the appropriate authority

6. In private unaided professional educational institution. admission to sanctioned intake shall be on the basis of the common entrance test in such manner as may be prescribed by the State Government

7. Every admission to private unaided professional educational institution shall be made in accordance with the provisions of this Act or the rules made thereunder and every admission made in contravention thereof shall be void. In admission to private unaided professional educational institutions, other than the minority educational institutions referred to in clause (1) of article 30 of the Constitution of India, there shall be reservation at the stage of admission for the persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens as may be prescribed by the State Government

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CHAPTER IV FIXATION OF FEE (1) Having regard to,— the location of the private unaided professional educational institution; the nature of the professional course; the cost of land and building; the available infrastructure, teaching, non teaching staff and equipments; the expenditure on administration and maintenance; a reasonable surplus required for growth and development of the professional institution; any other relevant factor, the Committee shall determine, in the manner prescribed, the fee to be charged by a private unaided professional educational institution. (2) The Committee shall give the institution an opportunity of being heard before fixing any fee: Provided that no such fee, as may be fixed by the Committee, shall amount to profiteering or commercialization of education. Entrance test. Admission. Reservation of seats. Factors. Appeal. Authority

CHAPTER V MISCELLANEOUS The State Government shall appoint for not more than one year at a time, an appellate 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 professional institution aggrieved by an order of the Committee in the State may file an appeal within a period of 30 days of passing of such an order

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. Power to make regulations. Rules to be laid before Legislative Assembly. Power to remove regulations (2) regulations (b) (c) (d) (e) The State Government may, by notification, make rules for carrying out the purpose (1) The State Government may, by notification in the official Gazette, make rules, consistent with this Act and the rules made thereunder, in particular, and without prejudice to the generality of the foregoing power, shall provide for all or any of the following matters, namely: the constitution and working, and terms and conditions of the Committee; the eligibility of admission, admission or admission and allocation of seats in a professional institution including the reservation of seats for foreign or non-resident Indian Candidate; the manner or criteria of determination of fee to be charged by a professional institution from the candidates; the fees to be charged by the professional educational institution from the candidates; any other matter which has to be, or may be, prescribed

14. Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly. 15. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette, not inconsistent with the provision of this Act, remove the difficulty. Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act. (2) Every order made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly.

16. No suit, prosecution or other legal proceeding shall lie against the State Government or the appellate authority or Chairperson and members of the Committee for anything which is in good faith done or intended to be done under this Act. 17. (i) The Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka-Nirdharan) Adhyadesh, 2007 (No. 4 of 2007) is hereby repealed. (2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act. Madhya Pradesh—2007.

