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CHAPTER 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- of acUon taken good faith. Repeal and Savings. Short title, extent and commencement. Application. Definitions. 4 a- ilk 2007 MADHYA PRADESH ACT No. 21 OF 2007. THE MADHYA PRADESH NIJI VYAVSAYIK SHIKSHAN SANSTHA (PRAVESH KA VINIYAMAN AVAM SHULK KA NIRDHĀRAN) ADHINIYAM, 2007, [Received the asent of the Governor on the 4th August, 2007; assent first published in the 'Madhya Pradesh Gaaette (Extra-ordinary)' dated tbe 4th August, 20tT]. 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 proffßsional 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 CHAPTER 1 PRELIMINARY (l) This Act may be called the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha 1. (Pravesh Ka Viniyaman 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,— (a) (b) institutions deemed to be universities, 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. In this Act, unless the context otherwise requires,— 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 aiucation; "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 of 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 fee including tuition fee and development charges; "foreign candidate" means a person holding a foreign passport seeking admission Ain. a deemed, university imparting professional education or in a private unaici(professional institution in Madhya Pradesh; (h) (k) (m) (n) (o) (p) Iq-lim 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); "minority institution" means an institution imparting professional education, established and administrated by a minority; 'Inon-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 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 a degree, diploma or by whatever name called; "professional educational institution" means a college or a school or an institution by whatever name called, imparting professional education to a State University, including a private university established or incorporated by an Act of the State Legislature or constituent unit of a deemed to be 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.

794 (9) Constitution) composition, disqualifications and functions of Committee • '94 (IO)

(2) 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 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.

(3) 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.

(4) 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.

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

(6) 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.

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

(8) 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.

(9) 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 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 deems fit and the amount so fixed together with interest thereon shall be recovered as if it is an 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 examination and cancel the results of 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 or 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 (5 of 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; 12 21, 1935 fafq ••aa. 12 2013 610-2ss 8flf-Y• fan fa• 2013 81 i. t. 12 ft*At 2013 fTår (våYT tnrrq-<za 3tiaf-lqTl\$ d i:— e- (t) -A fMFl fit;h) G) gm. I-fur* i: Jiuæ VA •€1 Q q; Rifqa x. (R) nvm .9tq« «1 ft*2 S •eel 2 —end •e 12 MAI)11Yh ACT No 32 201.1 THE VYAVSAYIX SIIKSIAN SANSTHA KA VINIYAMAN AVAM S)IULX KA NIRD"ARAN) SAN-SI'ODIIAN ADIII.NIYAM. 2013 201.81 An Act to the Madhsa Shikshnn SRtF.IEa Kg Viniymuun -Aye K. Sirdhnrngn) Adhi*' •tn. ii ælcd by æ Mx3hya PraLksh lhe -"—111 Republic Imlia as r— (I) Ael bc c.alhd Mxih'a Pradesh NIJI Vy•wnyik Silikshnn Sanstha (havesha Ka Avam Ka Nirdbuzn) Adhmn am, 20] J. (2) It cane iMo (run lhe da.lc iD In orra-izl In &ctbn 2 of the Niji vynsayik Shiks&n Sans*' (Pray—h Ka Vimyam.an A'am *ull Ka Adhlruyam. 21 ot Hbctetnattct refITed qo as ACI). clmœ (hc shAI bc subAt11Äd, •arrly:—• the trit uc pnlc:umn] akx—itnn.l innitLA1(OS amtlialcd eo an unLYMSly lhe Cerar•l Acl cur by ,a.ct of Stik Legisleture au! tiril cæbliu.rnl izw:in.nioru In 3 0' Firrip.al Act. fey clnœc lbe following claur •ball 3. æn•e.ly — In) Inslllul•on•• means a cdlep uhml or an iMailulion by •.æh.ateg« •anæ callai. i npu. pufessional approval cr by •n appropn•te aumil' and wheh is to unit oc an U.iVÄ'i1Y BI*Niêrd cy incr.ratd an Ad af the &A1c Legnblure cø a to be unda 3 nf Chi vastly Cosmi5ic• Aa. (3 of 1956)." 12 4 for IO). lie fdlcN1ng ±all rurriy:— (s) Tie albet an r&'e« compk1m sun "Elu may ingn adm't*toæ mxlc ot lhe movtSløns contaitrd hereunder cdlæ:tiqn fm cnres of tie the of ACI, rÄh.utÄ'N of carlläiun or b' *Iwaje ne rna' cnse an of lhe instituti(N1 purp.N maki" Ct•nmiltæ any imcsctlon prepared by DC or the ftv) (v) (Yi) 2013 If or lhe cJNuiry Commllk..e that lhere any Yic&nk• such insiicution ot o" Acl ruk' aml ltgul8lic•mq recasd•ng 11 may more of lbe xti(nc ..W'BI such irulululion — fine up ga mn bc lusre€ l'c with ißl&esl at gate 12 pct may rcd)YBed as if •n made In the of (he Acl candxlMe md te carc•cl earc4r•mt "Ch •rd cancel l.c of any ca.min.a'tIK1 i' whKh Ille aye.Ay •neared; INlitt*o• •o to •ait.Nn wch lime •s in Oc crd«. any hy In excess oi lhe by lhe any ammmt recat.ed hy —ay c' capülian any urr<lumt thx if fans 12furd arm-usnt lbe lime lhe szchl. •all bc recma*le Wilb thermn •l lhe rate of L 2 pcentl annum an arrear of pid to lhe sltkN: Institution In Slop admxion nr m any suv± gxrlic.i It fit; Jecomrrntd to univasaty apprupnale autb..llty to withdraw the an' ag ii da-•ms fil 5. Fa ID Act. It-e "l subs11lutaL namew (I • ne SHII fu more lhn thee yæts o! time. nn (2) uA108i.fy. Jt*dec of lhe RIEh cg • has t•dd being lhe ot •e dl a Slate. &fcrc •he n puresxma imtitulian ag.grlcvd by nn ha (-•mmlle ny tile 'AltNn a fÄK)d at .M) o' tu.sang such an Wb'k an tlz Axrl1*.k Ar.'h«uty callng dr rectr& irtxm lbe grang haung Caurtæ appeal lhe deiahn in spall iirnl.••. F * Else