

ADMISSION AND FEE REGULATORY COMMITTEE (TRANSACTION OF BUSINESS) REGULATIONS

15 (Rü fir\$Wl) 2007 21, uro u nun.(2) f?iiZfi i fiä 1. qaa. 2Däs t (23) (73) (z:) (0) (q) 31fQfizrq,• 2007 21 2007); æfiä" t, 3 fiufV1 ten" t, zn tiza fial 1956 3 (2) (3) (4) (S) fqft.l 404 (24) 200S 4. fiziua 1) qfrafr.ni.. (IFQ 6; (71) (v) (3) 3-ifäq NZTF. 30,CCO.OO 3iftq a; ü'-xm (2). srA vzru (6) fiqffta fizfia f, fift fiqm qqz (8). y*qvüq a•qzü'l tlf•qfn s. fi-zfii aifdk Orn mi?; 2008 f<Riq; IS 2008 404 (25) q•t5. No. F. *rq, poos 3iiEi t. aQ7, Bhopal. the 15th Apiil 200S In exegcise of 'he powers conferred by [he clause (a) of sub-section (2) of 14-17-2007-XLII-I.— Section 13 of (he Madhya Pradesh Niji Vyavasayik Shikshan Sansthan (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) AdhiQiyam. 2007 (No. 2i of 2007), the State Governßlem, herebymakes the followihg Regulation relating to Consitution and working, terms and conditionis of the Admission and Fee Regulatory Committec f' regulation of admission an4 determination of fee' in Private Unaided Professional Institutions in Madhya Pradesh, namely:— REGULA 'CION 1. Short titte ond Commencement.—(1) These Regulations may be called the Constitution, working, terms and conditions' of •the admission and fee Regulatory Committee Regulation, 2008. (2) It shaiFeome into forge from Lhe date of its publication in the 'Madhya,Pradesh Gazette"

2. Definitions—In this Regulation, unless the context otherwise requires,— (b) (c) (d) (e) (h) "Act" means lhe Madhya Prade.sh Niji Vyavsayik Shikshan Sansth?n (Pravesh Ka Vfniyarnan Avam Shulk Ka Nirdhar,n) Adhiniyam. 2007 (No. 21 of 2007); "Admissions and Fee Regulatory Commi[tee" means • the Committee established and constituted by the State Government for (he. regulations of admissions and for' fixation Of. fee to be charged from candidates seeking admission in private unaided profösonian institutions; "Appropriate Authority" means a Central or State authority established by the Central or .the State Government for laying down norms and conditions for ensuing standards of professional education; "Fee" means all fees including tuition ree and development charges; "Professional Institutions" means u college or institute including a priyate university established or inco•rporated by an Act of the Stale LegislaEure or Constituent unit of a deemed Gniversity defined under Section 3 of University Grani Commission Ac•t, 1956; "Private Unaided Professional Institution" means the professional institution which does not receive recurring aid or grant-in-aid from any. State or CenLral Government: "Common Entrance Test" means an entrance tesl éonducted by an agency authorized by the State/ Central Government for admissions in variÖus professional COUTSes offered in•professional inSütutions; The words and expres.sions used in •these regulation but not defined shall have tKe same meaning as assigned to them in the said Act

3. Constitution of Committee—The Stale Government shall establish an Admission and Fee Regulatory Committec coösisting of lhe following tmembers. namely :— (1) (2) Person who has bzcñ a Vice Chancellor of a Central/State University or an hisiitution deeme.d 10 be University br a Senior Administrative Officer not bélow the rank of Principal Secretary of the State Government or JQinr Secretary Of the Government or India. One person from experts in Finance Chairman Member 404 (26) (3) (4) XFiQ, 'S 2COS One person from experts in One perser, front amongst expéns in Tecchnicai Education One person from amcn=s! exper:s in Medical Educaiiion Member Meinber Member. •43 working terms and condition of (he 'i'he Chairnan and members Of the comrniltee shall be emitted to salary/110itorariutn, perquisi:es. pfivileges etc.; (as deternnineé by the State Government) Shati be as !Ollows (a) (b) (d) Chairman Shail be entitled 10 his fast sal:ny drawn a)ongwith Dearness A!lowance. Conveyance Aitowance minus pension similarly appellant atuhorily shall be emitted for pay minus pension; Members who are non Government shall be treated at par to the Secretary to State Governmen: and shall be entitled iO a fixed pay Of Rs. -30000=00 per month otherwise-for refired Government servant the entitlement shall be his }ost salary minus pension; Chairman and other full time members shall be allowed"for telephone facilities in office and residence as permissible under State Government rules for lhe appropriate post; Chgirman and other full time members shatl be entiiled for the vehicle (tdxi) facility on rent basis as per finance •department norm's; Chairman and appellant• authority and other members shall be entitled for rented accommodatidn as applicable to Minister to Statä (2) he term Of the Committee shali be for three years from the date of its.notification and in case of any vacancy. qrising earlier; for any reason, the State Government shall fill such vacancy for the• remainder period. (3) No act or proceeding'

of the committee shall be deemed to be invalid by reason merely of any vacancy in or any defect in the Constitution of the Committee. (4) No person who is associated with a private aided or unaided institution shall be eligible for being a member of the Admission and Fee Regulatory Committee. (5) A member of the Admission and Fee Regulatory Committee shall cease to be so, if he performs any act, which in the opinion of the State Government is, unbecoming of a member of the committee: Provided that, no such member shall be removed from the committee without giving him an opportunity of being heard. (6) The committee may frame its own procedure to transact its business. (7) Rajeev Gandhi Technical University, Bhopal shall meet the requirements for the functioning of the Committee including payment of salaries, travelling allowances, honorarium, Dearness Allowance and other regular and contingent expenditures etc. from its funds and the same shall be reimbursable through the nodal department i.e. Department of technical education through budgetary provisions. (8) shall charge a fee for processing the fee fixation process and to recover the expenses incurred on inspection of the institutions to finalize the same. Any balance account shall be credited in a corpus fund inter-seated on the same may be used for other activities of the committee.

5. Interpretation.—If any question arises relating to the interpretation of these rules it shall be referred to Government whose decision thereon shall be final. 0. jurisdiction shall be limited to the couns constituted and situated in State of Madhya Pradesh only. By order and in the name of the Governor of Madhya Pradesh, SHAMIM UDDIN. Addl. secy. 0 404 (27) J 2008 'iiAii, IS 2008 38. 31ii; fi-qq, 200i 21 2007) (7) *raii *afqfr, gazga, göl Yira qfiffa 1: üfizpij 2008 t. (71) (Z) ' ' afizim" 2007.' 21 2007); "qfifi" t, ' ' rraqfqa" t, gro ' ' frtKUL fii«m, Jifiüa t, . "æ:fta" t, t, i. 31TR*qi; fizrq Wh-»2 uh •9 •u.L* ua2 u.t* Lau '1b hh.a-hh& b.h.æ eræ 241-1* •g.l.>lh (•b h.ue (E) *.qge-lhh 212 up bhh-b.hE (•€ e—h-linEe L-Ä lh2 E.E (k*hük) 'Q v) Luz é.2-lb '2) SOOZ tot' 2008 404 (29) fi-Q fafip:ri *Til.' ta an. (2) •aen 3114, (ata) 9. Sftærq ft; -afqfi (2) Yfafiffa qvi Qi, yüfiQ qrtö. (30) 12<äiÄi 2008 (3) Qifq-cl av -. *IVTI. Reif t. *Zii qi•ä (6) yqa 2111, 10. (1) (2) qn?l. (4) ura *ft. (3) 2003 404 (31) zz:fia * t. at-n t. gtifiv æiqfa 12. a-at, 1) a2.4ä afifa a; *TIT. qi, fifrlfizzi i, (4) . qvi gra *Tü. qi 3iR q;ai" aQfi . æpQ. 03. qatr, azn afra iä:3 Gfifi a; (32) 2COS (3) Afifi, -q; rqa t, i. (S) Qfqa. 14. •aea a; *a:— (1) zo RGNGii *i, Ezi •e•qef afqfr *lil. (4) üfi, (2) fire a. (5) lid, *oil. 15. .16. •tpü•. (3) Jifd-q 17. —üä av zOOS 18. 4 (9) (Qi) tra•qil '-flax zn 19. 20. æiæql, 21. t, ftöé a; fiä<R .q•rilll. 22. • (34) IS 200S - exercise Of the powers conferred by sub-section (7) Section of the No. F. 14-17-2007-XL.II I Madhya Pradesh Niji Vyavasayik Shikshan Sansdtan (Provcsh Ka Viniyarn.Ii Avani Shulk Ka Nirdh:trar.) (he Admission and Fee Adhiniyam. 2007 (No. 21 of 20Üi) 21'd all powers enabling it in that behalf. Regulatory Cotnmiaee. ADMISSION AND FEE REGULATORY COMMITTEE (TRANSACTION OF BUSINESS) REGULATIONS. namely REGULATION CHAMFER-I-GENERAL I. •Short Title, extent •and These Regulations may be called the Admission and Fee Regulatory Committee (Transaction Of Business) Regulations, 2008. (2) Shan extends to the whole of Madhya Pradesh. (3) It shall come into force on the date of its publication in the Official Gazette- 2. Definitions.—In these Regulations, unless the context otherwise requires.— (a) (b) (D) (g) (j) (m) (o) "Act" •means the Madhya Pradesh . Niji Vyavasayik Shikshan sansthan (Pravesh .ka Viniyaman Avam Shulk Ka Nirdharân) Adhiniyam, 2007. (No. 21•öf 2007); ' ' Agency" means an Statutory body, Institution/or Organisation authorized by the GOvemrment for conducting the common Entrance test. "Chairman" meanS the Chairman of the Admission and Fee Regulatory Committee constituted ounder the Act; "Committee" means the Admission and Fee Regulatory Committee constituted under the Act; "Consultant" • means a person or a team of persons. or a body corporate appointed by the committee to assist in such studies or verification as are found necessary by the committee. "Government" of "State Government" means the Government of Madhya Pradesh. "Inspection Team" means the team constituted for the purpose of inspection of infrastructure verification of facts. •studyof the affairs of the institution and such other purpose as entrusted to the Team. "Member" means a member of Admission and Fee Regulatory Committee. '-Secretary" means the Secretary/Officer on Special Duty of the Admission and Fee Regulatory Committee. "Officer" means an Officer of the Committee. "Petition" means and petitions, applications, complaints, appeals; replies, rejoinders, interventions, affidavits. other papers. and • documents relating to mailers covered under the Act. Rules and made thereunder; "Proceedings" shall means and include proceedings of all nature (hat the Committee may hold in the discharge of its function under the Act. "Receiving Officer". means an officer designated by the Chairperson to receive Petition. words and expressions used in these Regulations but not defined

hereinabove shall have the same meaning as assigned to them in the ACI. 2008 CHAPTER .I. HEADQUARTERS OFFICES ETC (35) 1. Committee's offices, office hours and The place of the offices or the Committee may from time to time be as per order in this behalf as notified by the Chairman/Secretary. (2) Unless otherwise directed, the headquarters and other offices of the Committee shall be open daily except on second and third Saturdays, of each month. Sundays and Government holidays as notified by the Government of Madhya Pradesh. The headquarters and other offices of the Committee shall be open at such times as the Committee may direct. (3) Where the last day for doing any business falls on a day on which the office or the committee is closed and by reason thereof the business cannot be transacted on that day, it may be done on the next day on which the office is open. (4) The committee may hold sittings for hearing matters at the headquarters or at any other place on days and time to be specified by the Chairman

4. Language of the Committee- (1) The proceedings of the Committee shall be conducted either in English or in Hindi. All petitions shall be submitted in Hindi or English. (2) Any document or other matters contained in any language other than Hindi or English may be accepted by the Chairman only if the same is accompanied by a translation thereof in Hindi or English. Explanation : A translation which is "agreed to by the parties to the proceedings or which one of the parties may furnish with an authenticity certificate of the person who had translated it into Hindi or English" may be accepted by the Committee, in appropriate cases, as a true translation. (3) Recognition of Associations or the Committee may permit any association of Students, Teachers or other bodies corporate or any group or concerned persons to participate in any proceedings before the Committee. CHAPTER .REGULATIONS CONCERNING THE PROCEEDINGS BEFORE THE COMMITTEE 5. Proceedings, etc. before the Committee may from time to time, hold hearings, meetings, discussions, deliberations, inquiries, investigations and consultations as the Committee may consider appropriate in the discharge of its functions, under the Act. The Secretary and other officer or any person whom the Committee may appoint may participate and assist the Committee in its proceedings. 6. The minimum quorum for the proceedings before the Committee shall be presence of three members out of five. (2) No member shall exercise his vote on a decision unless he is present during all the hearings of the Committee on such matter. 7. Initiation of Proceedings (1) The Committee may initiate proceedings suo motu on a petition filed by any affected person. (2) A party to the proceedings may either appear himself or through a close relation duly authorized by him in writing in prescribed form. (36) 15 2008 (3) When the Committee initiates the proceedings in respect of any matter it shall be by a notice issued by the office of the committee and the notice shall contain such orders and directions as may be deemed necessary for service on to the affected parties. For the filing of rejoinder in opposition or in support of matter in issue, or for other matters relating to conduct of the proceedings, the Committee may, if it considers appropriate, publish a notice inviting comments on the issue involved in the proceedings in such form as the committee may direct. 8. Petitions and pleadings before the Committee (1) All petitions to be filed before the Committee shall be typewritten, cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The committee may accept petitions filed with Computer Disk or through electronic media on such terms and conditions as the committee may specify. The contents of the petition should be divided appropriately into separate paragraphs, which shall be numbered serially. The petition shall be accompanied by such documents and statement as the Committee may specify. (2) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits. (3) Every affidavit shall clearly and separately indicate the statements which are true to the:— (a) Knowledge of the deponent; (b) information received by the deponent; (c) belief of the deponent. (4) Where any statement in the affidavit is stated to be true to the information received by the deponent—the affidavit shall also disclose the source of the information and include a statement that the deponent believes that information to be true.

9. Presentation and scrutiny of the pleadings, Petitions shall be filed in such number of copies as the Committee may specify and each set of the petition shall be complete in all respects. (2) All petitions shall be presented before the receiving officer, in person or by any duly authorized representative at the headquarters and during the time notified. The petitions may also be sent by registered post, acknowledgement due to the committee at the places mentioned above. Where the petitions are presented

by an authorized representative the document authorizing the representatives shall be filed along with the petition. (3) Upon the receipt of the petition. Receiving Officer shall stamp and endorse the date on which the petition has been presented and shall issue an acknowledgement with stamp and date, to the person filing the petition. In case, the petition is received by registered post the date on which the petition is actually received at the office of the Committee shall be taken as the date of the presentation of the petition. (4) The presentation and receipt of the petition shall be duly entered in the register to be maintained for the purpose by the Committee. (5) The Secretary may reject any petition which does not conform to the provisions of the Act or the Regulations or directions given by the Committee or is otherwise defective or other wise than in accordance with the regulations or directions of the Committee: Provided no petition shall be rejected for defect in it, the particulars or in the presentation, without giving an opportunity to the person filing it to rectify the defect within the time specified for the purpose. The secretary shall advise in writing the petitioner about the defects in the petition filed within a reasonable time. (6) The Chairman or any member whom the Chairman may designate for the petitioner or the Secretary shall be permitted to file the petition presented by the petitioner and give such directions regarding the presentation and acceptance of the petitions as he considers appropriate. 2008 404 (37) (1) On scrutiny, the petition is found to be fit for consideration, it is: (a) Admission and Registration case.— shall be duly registered and should be allotted a number, in the manner to be specified by the Committee. (2) After the petition has been scrutinized and numbered the petition shall be put up before the committee. (3) On perusal of petition the Secretary may call for any additional information or documents which it considers necessary for a decision on the petition, (4) The Committee may admit the petition without requiring the attendance of the petitioner. The committee shall not pass an order refusing admission without giving the petitioners an opportunity of being heard. The Committee may issue notice to such other person(s) as it may consider appropriate to hear on admission of the petition. (5) If the Committee admits the petition, it may give such orders and directions, as if it may deem necessary for service of notices to respondent(s) and other affected parties for the filing of replies and rejoinder in opposition or in support of the petition in such form as the Committee may direct. (6) Service of notice and processes issued by the Committee or summons to be issued by the Committee may be served by any one or more of the following modes:— (a) Service to the party itself in person; (b) by hand delivery through a messenger including a courier service; (c) by registered post; (d) by public delivery with acknowledgment due; (e) by publication in newspaper in cases where the Committee is satisfied that it is not reasonably practicable to serve the petitioner or respondent etc. to any person in the manner mentioned above, and; (f) in any other manner as considered appropriate by committee. (2) Every notice or process may be sent to the person or his authorized representative at the place where the person or his representative ordinarily resides. (3) If in any matter pending before the Committee, the petitioner, the respondent or the intervener has authorized a close relative to appear on his behalf, such representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned representative, so authorized will require prior approval of the Committee.

12. Filing of reply, opposition objections etc.—(1) Each person who intends to oppose support, shall file the reply documents relied upon within such period and in such number of copies as may be fixed by the Committee. In the reply filed, he will specifically admit, deny or explain the facts stated in the petition and may also state such additional facts as he considers necessary. The reply shall be signed, verified and supported by affidavit in the same manner as in the case of the petition. (2) The respondent shall serve a copy of the reply, along with the documents duly attested to be true copies, on the petitioner or his authorized representative and file proof of such service with the office of the Committee at the time of filing the reply. (3) The petitioner may file rejoinder to the reply of respondent and documents relied upon within such period & in such number of copies as may be fixed by the Committee. In such a case the petitioner will furnish a rejoinder along with the documents duly attested to be true copies on the respondent his authorized representative and file a proof of such service with the office of the Committee at the time of filing the rejoinder. (4) Where the respondent states additional facts as may be for the just decision of the case, the committee may allow the petitioner to file a rejoinder to the reply filed by the respondent. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder. (5) Every person who intends to file objections or comments in regard to a matter pending before the Committee pursuant to the notice published for the purpose (other than the persons whom the offices,

processes etc. have been issued calling for reply) •shall deli'ct to the Rtceiving Officer the statement c: the objection or comments with copies of the documents and evidence in suppon threof, within the time fixed for the purposc 404 (38) -zoos (6) If, on the report received froin -the Ofificei. ehe Cornmiuce considers :hat the participation of any person or person will facilita;c the proceedings and decision in m:uter, it •may permit such pe;son or persons. to panicipate in the proceediGgs. hereafter cai{cd an •intervencer'. The Shail de:crmine the statement the extent to which interveners shall-be entit!cd iO receive copies or•the pleadings. (7) Unless permitted by the Cornminee. the person fiing a rep!y OF Objection or cömmments shall not be entitled 10 participate in the Proceeding to make oral subrnission. However the Committee shall be entitled to ake into account the objections and cmnments filed after giving such opportuniLY to the parties in the proceedinos as .the Committee considers pppropriate to deal with the objections and comments- 13. Time extension, posåponetnct, bearing ar:d The committee may determine the stages. manner the place the date dud the time of the hearing in proceedings before ii as the Committee considers appropriacc. (2) The application for time extension in filing reply/rcjoinder or pos!ponement of hearing •shall be made at least 7 days in advahce of the date fixed for tiling pfreply/rejoinder. Withoutseeking tirhe extension or absence ofa party from the proceedings will be considered by the cohiminee as a default. The committee may make such order as to cost as the committpe may deem fit. (3) The Committee rnäy decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way Of affidavit. • (4) if the Commiyce directs evidence of a paray to ted by way of the commit.tee may, if considered necessary or expedient, grant an opportunity to the other pany to adduce further submission relating to the matter needing clarification. (5) The Committee may direct the partiés 10 file in writing, a note Of aiguments Of submission in.the matter. '14. Power of the committee to call tor further information, evidence etc. and Reference of issue to others.— (1) the committee rilay at •any time before passing orders on the matter requie the parties of _any one or more of them to produce such documentary or other evidence as• the committee may consider oecessary for the purpose of enabling it to pass orders. • (2) At any stage of the proceedings. the commission may refer such issue or issues in the proceedings as it considers appropriate; to person including but not limited to the Officers and consultants of the committee whom the considers as qualified to give expert advice or opiniom (3) The committee may nominate from lime to time any person including bill not limited to the offices and consultants to visit any place or places for inspection and repon on the exisænce.or status pf the placeor any facilities therein. (4) The committee, if.il thinks fit, may digect the parties to the proceedings tp appear before the persons designated in clause (J) or (2) above to present their respective views on the issues or matters referred to him: (5) The repon or (he opinion, receiyéd from such person, shall form a part df the recörd Of the case and the parties shau be given the Copies thaeof. The parties shall b? IO file their versipn either ip support or in opposition the report of the- opinion. (6) The commiittee .irito hccounl thé report or the opinion given by the person and the reply filed by the pniés white deciding.thé niatter. • 15. Procedure to be foilowed Where any party does not apear.—Whereon the date fixcd for hearing or any other dale to Which such heaiing maybc adjoumed. any of the party or his yeprsenlative does not appear when lbe matter is called for hearing, ihe committee may. in its discretion. either dismiss the-petition fordefault or ptoceed exparte against the respondent(s) if it is proved that the notice. processes or summons had been duly serQed or. the respondents(s). j6. Orders of the l) Orders passed by the• committee in any proceedings; shall be signed by the Chairman and those who heard the matter. 20C8 (39) (2) AI' orders and decisions issued or co.nnnunicated by the conuniuce shao bt certified under the si2n•ature of the Scueryary or an officer empowered in this behalf.b)' ehe Chairman and bear the official seal or 'he comrniuce. (3) All final orders of the committee shall be comtnunico;cd IO the parties it; the proceeding under 'he sienatnre of ihe Secuary or an officer empowered in this behalf by the Chairman or (he Secretary. 17: Interim Orders.—The colnmiucc Enay pass such interi.n orders as it Inay cor.sider appropriate at any Magg of proccedings. CHAPTER—I v INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION ETC

18. Investigation. inquiry, collection of information etc.—The committee may make such order or orders as it thinks fit in terms of sub Section (9) of Section 4 of the Act for collection or information, inquiry, investigation, entry, seizure and without prejudice to the generality of its powers in regard to the following:— (a) The committee may, at any time direct the Secretary or an officer or consultants or any other person as the committee considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the committee under the Act. (b) The committee may, for the above purpose give such as it may deem fit and specify the time within which the report is to be submitted or information furnished. (c) The committee may authorize the Secretary or an officer to issue directions to any person to produce before him and allow him to be examined specified in this behalf, the books, accounts or to furnish to an officer information etc. as requested in sub Section (4) or Section 4 of the Act. (d) The committee may, for the purpose of collecting any information, articles or documents which the committee consider necessary in connection with discharge of its functions under the Act, issue such directions as may be considered necessary, as provided for in Sub Section (6) of Section 4 of the Act. (e) If any such report or information under these Regulations appears to the committee to be insufficient or inadequate, the committee or the Secretary or an Officer authorized for the purpose may give directions for the further enquiry, report and furnishing of required information. (f) The committee may direct such incidental, consequential and supplemental matters be attended to which may be considered relevant in connection with the above. 19. In connection with the discharge of its functions under the Act the committee may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter V of these Regulations. 20. The committee may, at any time, take the assistance of any institution, consultant, experts and such other technical and professional persons, as it may consider necessary and ask them to study, inquire into, any matter or issue and submit report or reports or furnish any information. The committee may determine the terms and conditions of engagement of such firm, individual or in the above to be relied upon by the committee for

forming view in any proceedings: • Given a reasonable opportunity for filing objections and making submissions on the report of information. • 22. The commission may, on payment of prescribed fees & on such terms and conditions as the committee considers appropriate, provide certified copies of the documents and available with the committee any person. etc.

