

REGULATION TECHNICAL EDUCATION

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2. Definitions.—In these regulations unless the context otherwise requires,— (a) (b) (c) (e) "Act" means the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Vinnyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 21 of 2007); "Admissions and Fee regulatory Committee" means the Committee constituted by the State Government under the provisions of the Act for the supervision and guidance of admission process and for the fixation of fee to be charged from candidates seeking admission in a professional Educational institution; "AICTE" means All India Council for Technical Education a statutory body established by All India Council for Technical Education Act, 1987. means any authority as authorized by the State Government in this behalf; "Competent Authority" "Professional Educational Institution" means College or School or Institute or any other name called, imparting professional Education, affiliated to a University. including a private institution created by or under the Act of the State or constituent of a University and the University Grants Commission Act, 1956 (3 of 1956) or established under Section 3 of the competent statutory regulatory professional institution; and the words "Act" to include in the Act. All these words have the same meaning to professional institutions covered under the Act

3. A principle (it) - Shail b' apphcai)h: fixation of fee—The Committee 4. (trite: ia for fi-.llow1Y2 shall determine the fee in the manner after considering the following factors: (a) the nature of the professional course; the level of the course; the available infrastructure; teaching staff and equipments; the expenditure on and maintenance a reasonable surplus required for growth and development of the professional institution; any other relevant factor: Provided that Committee may also decide for providing incentive to the accredited course or Quality Certification like etc. or weightage for backward/less area development for promoting educational institutions in these areas

5. Procedure for fixation of fee (1) At the beginning of each calendar year, that is in the month of January of each year the Committee shall receive applications in regard to determination of fees for admission in professional education institution for the coming academic session. (2) The Committee may evolve its own procedures for giving inter se weightage to the different parameters for fixation of fee. (3) Each institution shall be heard by the Committee for finalization of its fee structure. (4) The Committee shall require a private unaided professional educational institution, a deemed University to make submission by the date prescribed in the advertisement. Any new professional institution that seeks permission from appropriate authority after aforesaid prescribed dates should approach the committee for fixing their interim fee and thereafter for final fee structure as per calendar and procedure fixed by the Committee. (5) The submission shall be made in the form prescribed by the following documents,— The authorization/permission letter issued by the professional studies e.g. the A L C T. E o N. C. of India and the like ones; and information relating to society and the Committee and shall be accompanied with All India body controlling and regulating the T. E., Bar Council of India. Medical Council etc. by laws; (ii) (iii) A copy of Project Report starting the professional educational institution. (iv) (v) (vi) (vii) (viii) (ix) (x) (1) (2) (3) (4) (6) (xi) (xii) title, 1 ownership, the buildings stating the number of classrooms the administrative block rooms available for library, reading room, indoor games (if any) playgrounds, laboratories, general utilities etc. together with the site plan. Library facilities—number of books subjectwise, facultywise 2nd for general reading; Reading room facilities—number of dailies weeklies, monthly magazines, periodical professional magazines and literature subscribed in the institution; Laboratory facilities—Information regarding Equipments and instruments available and in the laboratory; Teaching Faculty—Number of Professors. Readers. lecturers in junior, senior and selection scale (to be indicated separately), their names, educational qualifications and their bio-data, pay scale, pay and allowances and total emoluments; Tie up, if any, with a State enterprise public/ corporate body engaged in production of items similar to the education proposed to be imparted by the institution; Financial standing,— Proposed budget of the institution for a year; Amount required for annual maintenance of infrastructure; Amount required for growth, development and up gradation of laboratories; Deposits—both fixed and current deposits in the name of the institution along with the names of institutions and names of Banks; Sources of funding; and Loans, if any, from the banks, other financial institution., indicating the term and the interest payable thereupon. Balance sheet and Income and Expenditure Account of the institution from the date of inception duly authenticated by a Chartered Accountant. An affidavit in the prescribed

form in support of the information furnished in the submission. (6) A processing fee, as laid down by the Committee from time to time, shall be deposited along with the submissions. Any submission without processing fee shall not be entertained. (7) After the receipt of the information, the Committee may, either at its own motion inspect the institution, or constitute an Inspection Team to make an on the spot assessment and verification of the facts mentioned in the submission. (8) The inspection team, as constituted by the Committee shall consist of,— (a) (b) (c) an eminent educationist of the rank of Principal of a college or professor concerned with the relevant Course for which fee fixation is sought shall be nominated by the Chairman. Admission and Fee Regulatory Committee from a panel approved by the Committee, a chartered accountant of repute, who is versed with auditing of the accounts of educational institutions—member an Officer from the Secretariat of Committee Secretariat to be nominated by the Chairman of the Committee as Member Secretary of inspection team. 404 (3) 15 2008 The Inspection Team may call for any record, it considers necessary and a requisition calling (9) for the record shall be made in writing and shall be treated as if it is called for by the Committee. The evidence from any of the persons connected with the affairs of the institution shall form a part of the report of the Inspection Team. (10) The institution and a representative of (11) Any association of teachers, students etc. may through a petition make counter submissions to the Inspection Team. (12) The Inspection Team may hear them and forward the petition to the Committee along with views. (12) After completion of the inspection the Inspection Team shall submit its report to the Secretary/OSD in the Committee Secretariat. The Secretary shall scrutinize the report and submit it to the chairman of Committee. (13) If the Chairman feels that the submissions need further analysis he may order the Report and the documents to be scrutinized and verified by a chartered accountant hired by the Committee for this purpose. (14) The Committee shall consider documents accompanying the submissions; the Inspection Report submitted by the Inspection Team, the verification of the Chartered Accountant and the assessment made by the Committee Secretariat. (15) Committee shall then decide whether the fees proposed by that institution are justified and are not profiteering or charging capitation fee. The Committee shall be at liberty to approve the fee structure or to decide some other fee which can be charged by the institution. (16) Committee shall be at liberty to fix the fee of those institutions which do not submit their proposals to the Committee. (17) For checking various data/information and documents furnished by the Institutions a chartered accountant firm may be appointed and may be asked to perform the work as mentioned. (18) Fee proposed by institution on prescribed proforma with desired information shall be checked for arithmetical accuracy, completeness and furnishing of required documents. (19) The information furnished shall also be checked with reference to the Audit Reports submitted therewith as well as the final accounts of the trust/society. (20) Qualifications and adverse observations in the Audit Reports or Notes to Accounts shall also be considered and necessary adjustment be made in the proposals submitted by the Institutions in accordance therewith. (21) Special emphasis be on the apportionment of common cost incurred by the society/trust running more than one institutions. (22) The information data documents submitted by the Institutions shall further be checked with reference to the norms established hereunder and wherever necessary adjustments shall be made to the data furnished by the Institutions for arriving at the fee to be fixed (23) Irregularities found on the basis of the above said scrutiny shall be verified for (their gravity and wherever necessary the society/trust/institution may be asked to submit its representation in respect of the said irregularity. In case where the committee finds that the irregularity is of such magnitude will vitiate the process of fee fixation, it may reject the application and may also proceed to take penal action such as prosecution. (24) Committee shall give an opportunity of hearing to the Institutions and further wherever found necessary the Institutions may be visited for ascertaining the correctness of the data submitted by the Institutions. 2 15 2008 (25) The Committee shall fix the fee including the fees payable to the institution for a year. 404 (9) (26) Where information received from an institution is incomplete or insufficient, the Committee shall ask the institutions to rectify the same failing which the Committee shall have the right to fix their fees after making suitable assumptions/provisions. (27) The Committee secretariat shall evolve system of finalization of fees and shall maintain all record related with it for a period for 5 years

6. Components of fee structure The fee fixed by the Committee shall have the following components

(a) (b) (c) (d) (e) (f) (g) (h) (m) (n) (o) **Tuition fee; Growth and development fee; Registration fee; Contribution from bank bank; Bus fee/charges; Training and entrepreneurship development cover guidance and placement cell; Medical insurance fee Sports fee; Fee for cultural activities; Identity and**

Library card fee; Hostel Room rent (only for hostellers); Mess charges (only for hostellers); Caution money for the entire course; University fee shall be applicable as decided by the concerning University from time to time; Any other fee considered reasonable by the Committee. (2) Every Educational Institution shall issue an official receipt for the fees or deposits or any other amounts collected for any purpose, which shall be specified in such receipt. (3) No College shall collect a fee amounting to more than, one year's fee from a candidate. However the students shall have the liberty to deposit the annual fee in maximum two instalments. Collection of more than one year's fee in an academic year shall be construed as collection of capitation fee and such institutions shall be liable to be proceeded against

7. Validity. of the fees fixed by the The fee payable per student per annum for each institution shall be prescribed by the Committee and shall be binding for a period of 3 years. Any revision is permissible only after 3 years. The fee so determined shall be applicable to a candidate who is admitted to an institution in that academic year and shall not be revised till the completion of his/her course in the said institution. (1j)" When ever appellate authority is not in existence for the reason what so ever the State Government may bear the complaint regarding fee proposed by the committee and may call all the relevant records to pass appropriate order, if necessary, for any revision of fee structure

8. Charging of capitation fees.—Notwithstanding anything contained in any law for the time being in force, no capitation fee shall be demanded or collected by or on behalf of any educational institution or by any persons who is in-charge of, or is responsible for, the management for such institution, from or in relation to any students in consideration of his/her admission to, and prosecution of any course of study, or his/her promotion to a higher standard or class in such institution— (10) 15 3Tü?i 200b 9. Redressal of complaints and penal/disciplinary action.—(1) The Committee may hear complaints with regards to admission in contravention of the provision contained herein collecting of capitation fee or fee in excess of determined any violation of the provisions for admission on the part of the unaided professional colleges or it shall make return any excess amount collected to the person institution, concerned, of the institution to (\$0', criminal, 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 of action, as it deem fit, and amount so fixed together with interest thereon shall be liable as 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 dehors merit and therefore invalid and communicate the sanction 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. (2) (may if satisfied that any unaided professional college or institution has violated any of the this Act. In this case, after obtaining previous approval from the State Government, the recognition of such college Institution "be annulled and may impose any other penalty, as it may deem fit. to regulate the procedure of the Committee— 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 purpose of making any enquiry under this Act have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (S of 190S) trying a suit in respect of following matters, namely:— (iii) Summoning and enforcing the attendance of any witness and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits, issuing commissions for the examination of witnesses

11. Interpretation.—If any question arises relating to the interpretation of these regulations it shall be referred to Government whose decision shall be final 12. Jurisdiction.—In case of dispute the jurisdiction shall be limited to the courts constituted and situated in Madhya Pradesh only. By order and in the name of the Governor of Madhya Pradesh, SHAMIM UDDIN, Addl. secy. for- 73. *ur 31fifqq, 2007 21, 2001) 12 3 + (freq fQ: t) üfä t, 1. 2008 15 2008 404 (11) (73) (71) (V) (v) f) z) (a) (z) (q) (7) " t, lei fiqf01) 3TfrAFprq, 2007 21 2007); qihfä"« t, ?AV4frfrü• " alfqrÄi1 t, 198/ (1987 52) "zqrü" uü4ÆT" i, fÄ;kii 3q--qft-a TÄTfrFfT?" t, q ITT(; 31f1fr41, 1961 (1961 43) xiVÄT" t, fiqfua 1956 (1956 æi. 3) 3 t, fi*\$-a t, gug-€, (12} vc.1 (1) (71) (2) •, t7VÜ!— t 30 i4Aii t, 31 k-2{Fii mif (gad 83 i) 16 2C Fif EiiQL. h. ai*i FO'it. ii (VE) 3ifrlJ! (2) -Off, oiiTfiiz Viji, (z) (v) zC08 fufg-d frFÄ t. ufififu vfäfil qf#fä 404 (13) (2) (ÄiTFGfr;iq) ælfifi, 10 fä 3i1H Äftlit. (4Äfrri1) Gfäq (EiiTFffrl) fruff&i €1. Gi J) Vi"ii/tv.ilit. kiv-ifrRI PH. 3å./fi4Ä@ fi;v O; fr; til. (9) 6. €ffi. (10) V. \$ä, (11) R. éi. 1-2118 S. 15 lit glü lä 3iüe: 200b 404 (15) (4) 1[1] (G.i\$4'ieil) 9. 1) 11, Aft; aifioi 7 741 grq 10. AIR. 11 uÄ?l 12. -4fqfi-qq 13. øVX. i. At. XFIAf, VT. At. u. , qq. <-tifü-d t. 14. 15. (q. xit. t. ara \$., at. 3iTä., R. 2007-08 14/ 32/2006/42-1. 6-4-

2007, 14/31/2006/42-1, N-11-2006 14/34/2006142-1, 28-12-2006 gra t 2007 t. 0111. frai+. 23 2008) (iöfrk'l •i. -'608/2007) ii €1. GI. zm fipvi 311k. Jwé. Afi; €1, SS Wd.3qx.3TT<. VAH, a t. GIRT 37Jt@. filfta 4. V. IFRIJz.— VI. A1. k. fäq 10 5. æanf 10 C. (iäfrz) 3i-c\$ (ifiz) -fi uu-g 3PAfirtzii 4 f<'iiq; 15 2008 15 2008 jpal, the 15th April 404 (17) (3) ii, 2008 In exe.lcé•c• of the powers conferred by the Section 12 of the Madhya Pradesh No. 1• Niji Vyav.sayik Shikshan Sanstha (Pra% esh Ka Viniyaman Avata Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 21 of 2007), the State Government hereby makes the following Rules relating to the eligibility of admission manner of admission and allocation of seats in Private Unaided Professional Educational Institutions (including reservation of seats for foreign or Non-Resident Indian candidates), nameiy:— R t} LES . —(1) These Rules may be called Admission Rules 2008. 1. Short title and Commencement. (2) It shall c. ie into force from the date of its publication in the Pradesh Ga tette. 2 Definitions.—In these Rules. unless the context otherwise requires— (a) (b) (C) (d) (e) (h) J) "Act" means the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiiniyatn, 2C07 (No. 21 of 2007); "Appropriate Authority" - means Authority as defined in clause (a) of Section 3 of the Act; "Admissions and Fee Regulatory Committee" means the Committee constituted by the State Government under the Act for the supervision and guidance of admission process and for the fixation of fee to be charged from candidates seeking admission in a professional educational insti{uuon•. S SAICTE" means All India Council of Technical Education, statutory body established by All India Council of Technical Education Act, 1987 (52 of 1987); 'Annexure' means Annexure appended to these rules: • 'Common Entrance • Cest' means an entrance test, conducted for determinauon of merit Of the candidates followed by centra: ized counselling for the purpose of based admission to professional colleges or Institutions through a single window procedure by the State Government or by any agency autii01 ized by it; "Competent Authority" means any authority as by the State Government in this behalf; 'Fee' means 211 fees including tuition fee and development charges: SNRI' means Non-resident Indian shall have the same meaning as assigned to it in clause (e) of Section C of the of Incorr•e Tax Act, 1961 (43 oi 1961): "Principal" ;ncan:. I lead institulion•. "Private Unaided Proiëssional Educational Institution' means professional educational institutions which is not receiving incur•ing financial aid or orant-In-aid from any State Oi Centrai Government and which is not established or maintained by the Central Government. the State Government or any Public body; (16) (i) (111) (n) (o) (p) Glhofcs.sional i Institution: ii.une called. iüqi(ö 2008 or an iistitute by whatev Inca,i.s a Ct)llco.c Oi a School ve;sity including a private education, alfiltated to by all Act of the Sta:e I-ecislature or Constituent unit of a Unives Sit v C pot Act, 1956 (3 of 1956), 'n: vel University to hy tile comptue.nt statutory body levulatino professional education; and approved {he of the Illini:num qualification, passing of which 'QualifyiIHt entitles one to seek admission the tclevert Ptoessional Courses as prescribed in these rules; "Single Window stem" lileans a system by which available seats in all the institutions are offered through Comino 2 Centralized Counselling or Decentralize Online Counselling to qualified in the Con-nnon Entrance Test; candidat•s in ot tnel 't "Vyapam" ineans Nladhya Pradesh Vyavsaylk Pariksha Mandal, Bhopal; l'he words ar.d expressions used but not defined in these lules shall have the same meaning as assigned to thCIL1 in the Act. 3. rules shall be applicable to unaided private professional institutions (self-financing) which are conducting professional courses as notified by the Appropriate Authority for the purpose

4. Admission Rules—Admission rules fox year 2008-09 onward— In all professjona! institutions the procedure for admission shall be as under:— (1) Availability cf Number of seats avilable in various ofessional educational institutions and as approved by appropriate acthorlty shall be given in the common entrance test booklet; (b) If-during counselling puurnis.sion is granted to any institution or the number of seats in any institution are varied by the Appropriate Authority or or before 30th June of that year same. may be incorporated tn counselling and the candidates who have already taken admission priod •to change intake capacity, shall not be entitled for admissions to newly sanctioned seats. (2) Allocation/Reservation of scats—In every institutions and in its each branch 16%, 20% and 14% seats of General pooli (85% of total intake) shall bc reserved for the candidates belonging to Scheduled Castes, Scheduled Tiibes and Other Backward Classes (excluding creamy layer Other Backward Classes category) respectively as notified by the State Government in this regard. (3) Eligibility for admission—As decided by Appropriate Authority and State Government. (4) Manner of Admission—Through a Com mon Entrance Test conducted by an anency duly authorized by the State or Central Government. Authorized agency shall

prepare and notify merit/waiting list on the basis of marks obtained by candidates in Common Entrance test

5. Conducting of Common Entrance Test.—(1) The State Government shall appoint an agency to conduct Common entrance Test. The agency shall issue advertisement in the daily news papers having mass circulation in the State and also in two national level news papers having mass circulation. The publication shall be both in Hindi and English news papers. The advertisement shall contain:— (a) (b) (d) The last date for making applications, The place where the application is to be made, The centres where the Common Admission Test will be held, The date of commencement of sale of application forms and date of examination. (2) The application form should be accompanied with the following details such as:— (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) (gw) (gx) (gy) (gz) (ha) (hb) (hc) (hd) (he) (hf) (hg) (hh) (hi) (hj) (hk) (hl) (hm) (hn) (ho) (hp) (hq) (hr) (hs) (ht) (hu) (hv) (hw) (hx) (hy) (hz) (ia) (ib) (ic) (id) (ie) (if) (ig) (ih) (ii) (ij) (ik) (il) (im) (in) (io) (ip) (iq) (ir) (is) (it) (iu) (iv) (iw) (ix) (iy) (iz) (ja) (jb) (jc) (jd) (je) (jf) (jg) (jh) (ji) (jj) (jk) (jl) (jm) (jn) (jo) (jp) (jq) (jr) (js) (jt) (ju) (jv) (jw) (jx) (jy) (jz) (ka) (kb) (kc) (kd) (ke) (kf) (kg) (kh) (ki) (kj) (kk) (kl) (km) (kn) (ko) (kp) (kq) (kr) (ks) (kt) (ku) (kv) (kw) (kx) (ky) (kz) (la) (lb) (lc) (ld) (le) (lf) (lg) (lh) (li) (lj) (lk) (ll) (lm) (ln) (lo) (lp) (lq) (lr) (ls) (lt) (lu) (lv) (lw) (lx) (ly) (lz) (ma) (mb) (mc) (md) (me) (mf) (mg) (mh) (mi) (mj) (mk) (ml) (mm) (mn) (mo) (mp) (mq) (mr) (ms) (mt) (mu) (mv) (mw) (mx) (my) (mz) (na) (nb) (nc) (nd) (ne) (nf) (ng) (nh) (ni) (nj) (nk) (nl) (nm) (nn) (no) (np) (nq) (nr) (ns) (nt) (nu) (nv) (nw) (nx) (ny) (nz) (oa) (ob) (oc) (od) (oe) (of) (og) (oh) (oi) (oj) (ok) (ol) (om) (on) (oo) (op) (oq) (or) (os) (ot) (ou) (ov) (ow) (ox) (oy) (oz) (pa) (pb) (pc) (pd) (pe) (pf) (pg) (ph) (pi) (pj) (pk) (pl) (pm) (pn) (po) (pp) (pq) (pr) (ps) (pt) (pu) (pv) (pw) (px) (py) (pz) (qa) (qb) (qc) (qd) (qe) (qf) (qg) (qh) (qi) (qj) (qk) (ql) (qm) (qn) (qo) (qp) (qq) (qr) (qs) (qt) (qu) (qv) (qw) (qx) (qy) (qz) (ra) (rb) (rc) (rd) (re) (rf) (rg) (rh) (ri) (rj) (rk) (rl) (rm) (rn) (ro) (rp) (rq) (rr) (rs) (rt) (ru) (rv) (rw) (rx) (ry) (rz) (sa) (sb) (sc) (sd) (se) (sf) (sg) (sh) (si) (sj) (sk) (sl) (sm) (sn) (so) (sp) (sq) (sr) (ss) (st) (su) (sv) (sw) (sx) (sy) (sz) (ta) (tb) (tc) (td) (te) (tf) (tg) (th) (ti) (tj) (tk) (tl) (tm) (tn) (to) (tp) (tq) (tr) (ts) (tu) (tv) (tw) (tx) (ty) (tz) (ua) (ub) (uc) (ud) (ue) (uf) (ug) (uh) (ui) (uj) (uk) (ul) (um) (un) (uo) (up) (uq) (ur) (us) (ut) (uu) (uv) (uw) (ux) (uy) (uz) (va) (vb) (vc) (vd) (ve) (vf) (vg) (vh) (vi) (vj) (vk) (vl) (vm) (vn) (vo) (vp) (vq) (vr) (vs) (vt) (vu) (vv) (vw) (vx) (vy) (vz) (wa) (wb) (wc) (wd) (we) (wf) (wg) (wh) (wi) (wj) (wk) (wl) (wm) (wn) (wo) (wp) (wq) (wr) (ws) (wt) (wu) (wv) (ww) (wx) (wy) (wz) (xa) (xb) (xc) (xd) (xe) (xf) (xg) (xh) (xi) (xj) (xk) (xl) (xm) (xn) (xo) (xp) (xq) (xr) (xs) (xt) (xu) (xv) (xw) (xx) (xy) (xz) (ya) (yb) (yc) (yd) (ye) (yf) (yg) (yh) (yi) (yj) (yk) (yl) (ym) (yn) (yo) (yp) (yq) (yr) (ys) (yt) (yu) (yv) (yw) (yx) (yy) (yz) (za) (zb) (zc) (zd) (ze) (zf) (zg) (zh) (zi) (zj) (zk) (zl) (zm) (zn) (zo) (zp) (zq) (zr) (zs) (zt) (zu) (zv) (zw) (zx) (zy) (zz) (1) The State Government shall appoint an agency to conduct Common entrance Test. 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for exalnpJe from BDS to MBBS. re-alJctment may be permitted with a procedure dilly approved by admission and fee regulatory committee. (7) Once a candidate is admitted in a particular institution through Counselling, no transfer of institution shall be permitted. (8) If there is subsequent round of counselling, the candidates left over during first round shall be called and shall bc aliotted to Institution having vacant seats c n (he basis of tnerits and pnrity. (9) The successful candidates shall have to deposit fees as prescribed by the Committee at the time of counselling. The fees shall be deposited with the counselling agency. (IO) Institutions shall bc allowed to fill upto 15% of the sanctioned seats by FRI candidates only. If they are available, in the manner prescribed in the re{'tillations notified for this purpose. (11) For courses governed by AmE . 10% extra seats may be sanctioned on free tution fee basis for women, handicapped and other weaker section of the society on voluntary baris for those institut;ons, who applies for the same and are given permission by the Competent Authority. The admission procedure shall be same as for other seats decided by the appropriate authority

8. For remainino vacant seats the sequence of admission shall be as Firstly 15% Seats shall be filled by management of the respective institut:ons by NRI candidates only if they are available.

If sufficient number of NRI candidates are not available then remainin: vacant seat:: shall bc merged into general pool. Seats in general pool shall be filled on the basis of merit of state level common entrance test conducted by Madhya Pradesh Vyavasayik Pariksha Mandai or any othe; agency authorized by the Dtate Government for this purpose. (2) Secondly reJnaining scats shall be filled on the basis of Incru of National level test as decided by the State Govern mént. .79. 15 2008 404 (21) (3) Thirdly remaining seats Shall be filled on tne basis of markc, obtained in the qualifying examination- (4) All these admission shall be done through centrotiied counselling conducted by the Counselling Authority declared by the State,Governmmnt/Committec for this purpose. •rhc detailcJ.i ptoceure for the counselling shall bc noti-fied by the Counselling authority from time to tilne- 9. Cancellation of Admission—(1) If at any stage it it found that a candidate has got admission in any institu- tion on the basis of false or incorrect information or by hidipg relevant facts or if at , time after admission it is found that the admission was given to the candidate due to some mistake oa- oversight, the admission granted to such a candi- date shall be liable-to be cancelled forthwith without any notice at any time the course of his/her studies by the Principal of the institution or by Competent Authority. (2) In the event of refusal or non-admission on the part of the candidate, the fees so deposited Shail be refunded after 10% deduction on deposited amount if such cancellation is done within 7 days before the iast date or Counselling. or as per the criteria •laid down by Competent Authority. IO. Tution and other Fees—Tution and othe: fees shall be as prescribed by Fees Committee

11. Modification to rulesJprocedures—The State Government of Madhya Pradesh reserved the rights to amend any provision/rules/procedure for admission after due consultation from admission and fec regulatory committee to ensure fair gnd transparent admission procedure and any modification so made shall be binding

12. A candidate aggrieved with any contravention on the part of the Agency or any contravention of the provisions of the Act could make an application to the Committce pinpointing the cause of action and alleged lapse in following the procedure or provisions of the Act

13. Courses—Courses relating to technical ed'tcation institutions running AICTE approved B.E., B. Pharma., B.Arch., MBA., MC A and Diploma Pharmacy courses are given in Annexure

14. Interpretation—If any question arises relating to (he interpretation of these rules it shall be referred to State Govrnment whose decision thereon shall be final

15. Jurisdiction—In case of any dispute the jurisdiction shall be limited to the courts constituted and situated in State of Madhya Pradesh only. ANNEXURE (Specific provisions related to Technical Education institutions running A ICfrE approved B.E., B. Pharma, B.Arch., MBA., MCA and Diploma Pharmacy courses) l. Transitory provision for year 2007-08 applicable to Technical Institutions—The State Government has _aJready,notified admission rules for admission to Engineering and Pharmacy courses, Master of Computer Application vide its Notification. 14/322006/42-1, dated 6-4-2007, F 14/31/2006/42- I , dated 4.4?? 28-árooöd and F-14/3#2006/42-1, dated 28-12-2006 Aceordingly. admission process for admission. to these professional courses in professional institutions has already commenced. In some Cise entrance examination hase already been conducted and result has been declared. whereas in ()thef eritrance

examination at the all India level have already been conducted and state level examination is scheduled in the month of June, 2007. Therefore, it would not be in fitness of things and in the interest of the candidates to disturb the admission process at this stage. As such the State Government adopts the admission Rules cited above with the following modification to give effect to the judgment pronounced by Hon'ble Supreme Court in the case of the State of Madhya Pradesh and Ors Vs. Shri Wardhann Academy for Technical Education and Ors. (SLP) (Civil No. 7608/2007):— 404 (22) 15 Li&ei 2008 •15% management quota referred in the order including 5% ARI quota as specified in clause 1.2.4 of Rules Book clause 12 of MCA Rule Book and • 1.2.1 of MBA Rule book. Now it shall be filled only by NRI candidates, if 'they are available.' Institutions in Pradesh as follows:— 2. Availability of Seats — Number as in percentage of intake capacity (2) Private institutions 85% Seats for General Pool NRI Seats (NRI seats, if not filled then will be Converted into Seats for General Pool)

3. Reservation of Seats—(1) Jammu and Kashmir Migrant's Seats—One seat, on over and above basis, in each of the Institution is reserved for Jammu and Kashmir migrants. The admission shall be given on the basis of merit as decided by the Common Entrance Test conducted by authorized agency. The candidate shall have to produce a certificate in a prescribed proforma duly signed by competent authority. Sons/daughters of the employees of Madhya Pradesh Government who have served in the State of Jammu & Kashmir for curbing insurgency are also covered under the Jammu and Kashmir migrant. Such candidates should have passed their qualifying examination from the State of Jammu and Kashmir. Candidates shall have to produce a certificate in a prescribed proforma. (2) Jammu and Kashmir Resident's seat each in all institutions has been reserved for residents of Jammu and Kashmir. The candidates seeking admission against these reserved seats shall be required to appear in Common Entrance Test conducted by authorized agency and submit appropriate certificate issued by the competent Authority. These seats shall be considered under General Pool

4. Eligibility Criteria for MBA Course—Candidates belonging to Scheduled Caste, Scheduled Tribe and Other Backward Classes (excluding creamy layer) of Madhya Pradesh as notified by the State Government, shall be given 10 percent relaxation in the aggregate marks of qualifying examination for admission into MBA course. 5 Weightage—• of 10 percent of the marks obtained in the Common Entrance Test shall be given to those candidates who have been awarded Gold Medal in the National level Sports Competition. In order to obtain the above benefit, candidates shall have to produce the certificate from Director, Department of Sports & Youth Welfare and Government of Madhya Pradesh in a specified proforma

6. Inter se merit of candidates getting equal marks in the common Entrance Test shall be decided by giving preference to the person, who is older in age (in MBA, MCA course only) and, in case the age is also same, then merit shall be decided on the basis of aggregate marks obtained in the qualifying examination. In case of B.E. courses inter se merit of candidates getting equal marks in the Common Entrance Test shall be decided by the marks obtained in Maths, then Science. Candidates getting benefits of weightage as given in clause 5 shall be placed below the candidate. If a candidate has got the same marks in the merit but has not been given the above weightage. By order and in the name of the Governor of Madhya Pradesh, SHAMIM UDDIN. Addl. secy. dt. 15.08.2007 (U1) 2007 21, 2007) 13 (2) 15 2008 4. 404 (23) *fil i 2. (71) (3) (q) (1) (2) (3) (4) (s) ' ' afiAfiiq" 3Tfiüä t, (hl 3Tfqi-q, 2007 21 2007); Xfifd" t, Æfifi; t, fin;m &QÄT" t, fVTtTfiR 1956 3 tutæT" t, 37 i, t, On 3TfrÆfi-q a-a-?6 t. fi17 i. 404 (24) fQii4i 15 2008 €fifl; t, 30,000.0 3ifd11 ii (g) fiföd lä, fifiil 17, ;.i.7i (6) ü-rfi. fiqfi;a fifq 81711. (8) SRI, 3rpiFT 5. fiutii kiau kil fiférz ?ÄfrTA -t;lAl. 6. tii 15 20S 404 (25) g: 15 36. gtF. 14-17-2007-Äureiq-w.—t1JlQ (3) Ä;räüut, Vâ fi fraq, 2008 t. voilq Bhopal, the 5th April 2008 No. r. 14-17-2007-XLII-I. In exercise of the conferred by the clause (a) of sub-section (2) of Section 13 of the Madhya Pradesh Niji Vyavasayik Shtkshan Sansthan (i>ravesh Ka Viniyamatl Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 2i of 2007), the State (iovernn,ent, hereby makes the following Regulation relating to Constitution and working, terms and conditions of the Admission and Fee Regulatory Committee for regulation of admission and determination of fee in Private Unaided Professional Institutions in Madhya Pradesh, itamely:— REGULATION 1. Short title and Commencement* I) These Regulations may be called the Constitution. working, terms and conditions-of the admission and fee Regulatory Committee Regulation, 2008. (2) It shall come into force from the date of its publication in the "Madhya Pradesh Gazette"

2. Definitions.—In this Regulation, unless the context otherwise requires,— (a) (b) (c) (d) (e) (g) (h) "Act" means the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha; (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 21 of 2007). "Admissions and Fee Regulatory Committee" 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 professional institutions; "Appropriate Authority" means a Central or State authority e.stau,ished 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 fee and development charges; "Professional Institutions" means a college or institute including a private university established or incorporated by an Act of the State Legislature or Constituent unit of a deemed university defined under Section 3 of University Grant Commission Act, 1956; ' 'Private Unaided Professional Institution" means the professional institution which does not receive recurring aid or grant-in-aid from any State or Central Government; "Common Entrance Test" means an entrance test conducted by ar. agency authorized by the State/ Central Government for admissions in various professional courses offered in professional institutions; The words and expressions used in •these regulation but not defined shall have the same meaning as assigned them in the said Act

3. Constitution of Committee—The State Government shall establish an Admission and Fee Regul@tory Cornmittee consisting of the following members. namely : (1) (2) Person who has been a Vice Chancellor of a Central/State University or an Institution deemed to be University or a Senior Adminisaative Officer not below the rank of Principal Secretary of the State Government or Joint• Secretary ot' the Governrnent of India. One person from expens in Finance Chairman Member (26) (4) One oerson expetG Adituni.s:• Cine Medical Member Member Member. 'lite and liletnbers of the committee shall be g. svork•inc—' and condition the enii(iced to salary/hono: pn•valges etc.. cs detcrituned the State Gove:ninent) shall be as follows (c) (d) Chaiun.'ll shall be entit;ed to his I ust salat v drawn aiongwi!h Dearness Allowance, Conveyance •ttlinority shall bc entitled for pay minus pension; A pension sitnii(lly appellant Member, who ate Governmtili shall be treated at par to the Secretary to State Govwnment and Jhall be entitled to fixed pay of Rs. per month wise for retired Government servant the Shail be his salajy minus pension; Chairman and other full time members shall be allowed for telephone facilities in office and residence as permiss.ble under State Government rules for !ile appropriate post; Chairman and other full time members shall bc entitled for the vehicle (taxi) facility on rent basis as per finance dep..runent norms; Chairmar and appellant authority and other members shall be entitled for rented accommodation as am. licable to Minister 'o State. (2) The term of the Committee shall be for three ycavs from the date of its notification and in case of any vacancy arising earlier, for any reason, t!e State Government Shaa fill such \ acancy for the remainder period. (3) No act or proceedings of the shali be deemed to be invalid by reason mejely Of any vacancy in. or any defect ir the Constitution of the Cornmittee. (4) No person who is associated with a private aideci 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 Conunittez shall cease to be so, if he performs any act, ,which In the opinion of the State Govctnment of a member of the committee: Provkiid that, no such metnber shall be removed from the coJ,imittee without giving him an opportunity of being hea;d. (6) The committee may frame its own procedure to transact its Lusiness. (7) Rajeev Gandhi Technical University, Bhopal shall meet (he all expenses towards functioning of the Committee including payment of salat Gus, travelling allowances, honorarium, Dearness Allowance and other regular and continoent e etc. from their funds and the same shall bc reimbursable through the nodal• department i.e. Department of tecum;cal education thre agh budgetary provicions. (8) ('omrnittee shall chrrge a processing/inspection f -'e for processing the fee fixation process and to recover the expenses incurred on inspection of the institutions to finalize tbc same. Any surplus on this account shall be credited in a corpus fund and interest earned on the same may be used tor other activities of the committee

5. Interpretation.—If any question arises relating to the interpretation of these rules it shall be referred to Gove:nment whose de.cision thereon shali be final. State Madit•:. Y'i on' • dispu::.. jurisdiction shall be hmtted to the courts constituted and situated in E} order ant: in titc nante of 'he Governor of Madhya Pradesh, SHAMIM UDDIN, Addl. secy. 15 2008 IS 2008 gtF. 14-17-2007-e {ieu 31frxfizæ, 2007* 21 2007) A (7) Nfqfd, 1. #1fii, fifizm, 2008 t. (27) (q) (q) (Z) ' '3fi4frqq" t, fiqfrU1) 3fifia•q, 2007 21 2007); t, æiæv "xfifi" t, a-lfrüa t, 'lxfiq" t, 2008 t, (üwru#i) a-iVi 3TTfÜ 3. æaiexa, VIN, (A) fci* #Rit (2) 3iiff+z (i

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4. Language oc the Committee.—(1) The proceedings of the Committee shall be conducted either in English or in Hindi. All petitions shall be submitted in Ilirdi 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 oagreed 10 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 to Hindi or English may bc accepted by lthe Committee. in appropriate cascs, as a true translation. (3) Recognition of Associations of the Committee moy permit any association of Students, Teachers or bther bodies corporate or any group or concerned persons to participate in any proceedings before the Committee

CHAPTER 111 REGULATIONS CONCERNING THE PROCEEDINGS BEFORE THE COMMITTEE
5. Proceedings etc. before the committee.—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 on a petition filed by any Affected person. (2) A party to the proceedings may either appeal himself or through a close relation duly authorized by him writing in prescribed form (D) when the Committee initiates the proceedings in respect of any matter it shall be a notice issued by the officer of the Committee and as may be deemed necessary for service of notice* of the petition, to the parties for replies and rejoinder in opposition or in support of the matter in issue or for other matters to be decided in the proceedings.. The Committee may, if it considers appropriate, publish a notice inviting comments on the issue of proceedings in such form as the Committee may direct. (3) Petitions to be filed shall be in writing and legibly on one Side of white paper and every page shall be consecutively numbered and the petition filed Computer Disk or through electronic media on such terms and conditions (he 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 require. (2) Every affidavit shall be 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 affidavit. (3) Every affidavit shall clearly and separately indicate the statements which are true to the:— (a) Knowledge of the deponents; (b) information received by the deponent; (c) belief of the (4) Where 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 petitions. (1) All 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 filing the time notified. The petitions may also be sent by registered post, acknowledgment due to (be at the places mentioned above. Where the petitions are presented by an authorized representative the document the fees shall be filed along with the petition. (3) Upon 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 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 other wise than in accordance with the regulations or directions of the Committee: Provided that no petition shall be rejected for defect in it, the pleadings or in the presentation, without given an opportunity to the filing it to rectify the defect within the time specified for the purpose. The secretary shall advise, in writing, the petitioner about the defects the petition filed within reasonable time. The petitioner or the Secretary shall be entitled to file a petition in support of the petition or the Secretary shall be entitled to file a petition in support of the petition. (37) IO. Admission and order a case.—(i) If on scrutiny, the petition is found to be fit for consideration, it (2) After the petition has been scrutinized and notified the petition shall be put up before the committee. (3) On perusal of petition the Secretary may give any additional information/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 had deemed 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

11. Service of notices and processes issued by the Committee.—(1) Any notice or process or summons to be issued by the Committee may be served by any one or more of the following modes — (a) Service it to the party itself in person; (b) by hand delivery through a messenger including a courier service; (c) by registered post/speed post with acknowledgement due; (d) by publication in newspaper in cases where the committee is satisfied that it is not reasonably practicable to serve the notices/processes etc. to any person in the manner mentioned above and; (e) 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 1) Each person who intends to oppose or support, shall file the reply and 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 or 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 necessary for the just decision of the case, the committee may allow the petitioner to file a rejoinder to the reply filed by the respondents. 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 objection or comments in regard to a matter pending before the Committee pursuant to the notice published for purpose (other than the persons to whom notices, processes etc. have been issued calling for reply) shall deliver to the Registering Officer the statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose. (6) If on report received from the Officer in Charge, the Committee is satisfied that the participation of any person or persons, to participate in it will facilitate the proceedings and the decision in the matter, it in proceedings, hereafter called an Intervener. The Committee shall state to the extent to which interveners shall be entitled to receive copies of the pleadings. (a) Interveners shall not be entitled to (7) take into account the participation in the Proceeding to make oral, written or such opposition to the proceedings as the Committee considers objections and appropriate to deal with the objections and comments. (1) The Committee may determine the stages, time extension, postponement, hearing and adjournment in manner the pleader, the advocate and the time of the hearing in proceedings before it as the Committee considers appropriate. (2) Time application for time extension in filing reply/rejoinder or postponement of hearing shall be made at least 7 days in advance of the date fixed for filing of reply/rejoinder. Without time extension or absence of a party from the proceedings will be considered by the committee as a default. The committee may make such order as to cost as the committee may deem fit. (3) The Committee may 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 Committee directs evidence of a party to be led by way of submission the committee may, if considered necessary or expedient, grant an opportunity to the other party to adduce submission relating to the matter needing clarification. (5) The Committee may direct the parties to in writing, a note of arguments of submission in the matter. 14. Powers of the committee to call for further information, evidence etc. and Reference of issue to others.— (1) the committee may any time before passing orders on the matter require the parties of any one or more of them to produce such documentary or other evidence as the committee may consider necessary 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 committee considers as qualified to give expert advice or opinion. (3) The committee may nominate from time to time any person including but not limited to the officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein. (4) The committee, if it thinks fit, may direct the parties to the proceedings to appear before the persons designated in clause (1) or (2) above to present their respective views on the issues or matters referred to him. (5) The report or the opinion, received from such persons, shall form a part of the record of the case and the parties shall be given the copies. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion. (6) The committee shall duly take into account the report or the opinion given by the person and the reply filed by the parties while deciding the matter.

15. Procedure to be followed where any party does not appear.—Where on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the party or his authorized representative does not appear when the matter is called for hearing, the committee may, in its discretion, either dismiss the petition for default or proceed with the respondent(s) if it is proved that the notice processes or summons had been duly served on the respondents(s).

16. Orders of the committee—All Orders passed by the committee in any proceedings, shall be Signed by Chair man and those heard the matter. IS 2008 (39) 3 W' (2) All orders and decisions issued or communicated by the committee shall be certified under the signature of the Secretary or an officer empowered in this behalf by the Chairman and bear the official seal of the committee. (3) All final orders of the committee shall be communicated to the parties in the proceeding under the signature of the Secretary or an officer empowered in this behalf by the Chairman or the Secretary. 17; Interim Orders.—The committee may pass such interim orders as it may consider appropriate at any stage of proceedings. CHAPTER IV 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 of information, inquiry, investigation, entry, search, 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 with respect to any matter within the purview of the committee under the Act. (b) The committee may, for the above purpose give such other directions 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 (d) of Section 4 of the Act. (d) The committee may, for the purpose of collecting any information, particulars 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 obtained 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 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 mannel provided under Chapter V of these Regulations.may, at any time, take the assistance of any institution, consultants, experts and such other teéhniäi and prdtcssional persons, as it may consider necessary aud ask thein to study, investigate, inquire into any matter Aiid Submit?teport or reports or furnish any information. The committee may determine the terms and conditions prbfessionals. örjnformåtioö obtained in terms of the above Regulations or_ any part thereof, is proposed to be '-tfreéblhmittee for



forming its opinion or view in any proceedings, the parties in the Proceedings shall be given the opportunity for filing Objections and making submissions on the report of information. If the Committee may, on payment of prescribed fees & on such terms and conditions as the committee considers appropriate, provide the certified copies of the documents and papers available with the committee to any person.

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17. Short title, extent and commencement. Application. Definitions

CHAPTER 11 ADMISSION AND FEE REGULATORY COMMITTEE Constitution, composition, disqualification and functions of Committee

CHAPTER 111 ADMISSIONS Eligibility. Common entrance test. Admission. Reservation Of seats

CHAPTER IV FIXATION OF FEE Factors. 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. Protection of action taken good faith. Repeal and Savings. Short title, extent and commencement. Application. Definitions. 4 2007 MADHYA PRADESH ACT No. 21 2007. THE MADHYA PRADESH VYAVSAYIK SHIKSHAN SANSTHA (PRAVESH KA VINIYAMAN AVAM SHULK KA MRDHARAN) ADHINIYAM, 2007. 2007; assent first published in the "Madhya Pradesh [Received the assent of the Governor on 4th August, Gazette (Extraordinary)]" dated the 4th August, 2007). 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 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 (1) This Act may be called the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha 1. (Pravesh Ka Vinnyaman 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 Official Gazette

2. This Act applies to,—(a) (b) institutions deemed to be universities, or constituent units 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) (c) (d) (0 "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 of merit based admission to professional 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 in a deemed university imparting professional education or in a private unaided professional institution in Madhya Pradesh; (g) (h) (m) (n) (o) (p) (q) (r) "applicant" means any person or body by

whatever name called; "minority institution" 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 administered by a minority, "non-ferrous 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 under 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 certificate by whatever name called; "professional educational institution" means college or school or an institute by whatever name called, imparting professional education, affiliated to a State University, including a private university established 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 (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. 4 e--TTIVd 2007 (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 balance 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 unbecoming 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 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 regard 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 amount collected to the person concerned, and also recommend to the Government for imposing a fine upto rupees ten lakhs, and the Government may or receipt of such recommendation; fix the fine and collect the same in the case of each such violation or

decide; any other. gouvse:lof.ction as it .deem fit and the amount so fixed together with -interest -thereon, shall be}recpvgrd •as if it. is an arrear of land revenue, and the committee may also declare admission rnâdg;in respect Of any or all seats in a particular college orninstitution to be dehors merit and therefoie •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 aud cqncl the results of examination already. appeared for. (IO) The Committee may, if satisfied •that .any unaided ivoquesyipnaltcollege or institution has violated any of the provision of this Act and after '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 Å:oursg of action 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 and examining hiin on oath; (b) (c) (d) faqiq; 2007 Jequiring the discovery and production of any document; receiving evidence on affidavits; issuing commissions for the examinations of witnesses. (12) The Committee shali ensule 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 institutional 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

8. In admission to private unaided professional educational institutions, other than the minority educational •institutions refened to in clause (I) 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 titiwns. as. may be prescribed by the State Government

CHAPTER IV FIXATION or FEE 9. (I) Having regard to,— (ii) (iii) (Y) (vi) (vii) the location of the private unaided professional educational. institution; the nuture 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. 10. authority, CHAPTER V MISCELLANEOUS The State Government shall appoint for not more than one year at a time, an-A)pellate consisting of a person who 'has been a judge of the High Courts or a person who has 794 (I I) Eligibility. entrance test. Admission. Reservation of scats. Factors. Appeal. 9. 794 A ct (12) to have ikqi-q; 4 2007 held office not below the rank of the Chief Secre!ary of a State, before which a person or a professional institution aggrieved by an order of the Committee in {he State may file an appeal, within a period of 30 days of passing of such an. order. The provisions of this Act shall have effect notwithstanding anything inconsistent 11. overriding effect. therewith contained in any other law for the time •being .in fQ1te or in any instrument having effect by •virtue of any law other than this Act. Power to make rules. Power to make reoulations. Rules to be laid before Legisla- tive Assembly. Power to remove 12. The Slate Government may, by notification, make rules for carrying out the purposes of this Act. (I) The State Government may, by notification in the official Gazette, make 13. regulations consistent with •this Act and the rules made thereunden (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely (a) (b) (c) (d) the constitution and working, and terms and conditions of the Committee; the eligibility of admission, manner Of admission and allocation of seats in a professional institution including the: reservation of _seats for foreign M non- resident Åndian 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. prgfess'ional educational institution from the candidates; any other matter Which has to be, or pay be, prescribed

14. Every rule made under this.Act shall be made, as soon as may be after it is made, before Legislative Assembly. 15. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, do anything not inconsistent with the provisions of this Act, for removing the difficulties. Protection action taken in good faith. Repeal and Savings. 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 section. Shall, as soon as may be after it is made, be laid before 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. (1) 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.

