

] THE UTTAR PRADESH PRIVATE PROFESSIONAL EDUCATIONAL
INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION
OF FEE) ACT, 2006

[U.P. ACT No. 24 of 2006]

[As passed by the Uttar Pradesh Legislature and assented to
by the Governor on September 7, 2006 and published in the U.P.
Gazette Extraordinary on September 8, 2006.]

AN

ACT

*to provide for the regulation of admission and fixation of fee
in private professional educational institutions and the matters
connected therewith or incidental thereto.*

IT IS HEREBY enacted in the Fifty-seventh Year
of the

Republic of India as follows:—

CHAPTER—I

PRELIMINARY

Short title and commencement 1. (1) This Act may be called the Uttar Pradesh Private Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2006.

(2) It shall be deemed to have come into force on July 10, 2006.

Applicability 2. This Act shall be applicable to the private aided or unaided professional educational institutions, excluding minority institutions.

Definitions 3. In this Act, unless the context otherwise requires,—

(a) "aided institution" means a private professional educational institution, other than a minority institution receiving recurring financial grant-in-aid or assistance in whole or in part from the State Government or from any body, under the control of State Government disbursing grants-in-aid or financial assistance;

(b) "Committee" means the Admission and Fee Regulatory Committee constituted under section 4;

(c) "Common Entrance Test" means an Entrance Test, conducted by the State Government or an Agency authorized by it for admission to a Professional Course, run by a professional educational institution;

(d) "Fee" means all fees including tuition fee and development charges;

(e) "general category" means and implies seats from out of the sanctioned intake of a professional educational institution, not being seats in the management category;

(f) "management category" shall mean and imply seats from out of the sanctioned intake allotted by the State Government to the management of the institutions;

1. For SOR see at the end of this Act.

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(g) "minority" means a minority defined under clause (f) of
section 2 of the National Commission for Minority Educational
Institutions Act, 2004 (Act no. 2 of 2005);

(h) "minority institution" means an institution, established
and administered by a minority and notified as such by the
State Government;

(i) "private professional educational institution" means a
professional Educational Institution not established or
maintained by the Central Government, the State Government
or any public body;

(j) "professional course" means a course of study notified as
a professional course by the State Government;

(k) "professional educational institution" means a College or
a School or an Institution by whatever name called, imparting
professional education, —

(i) affiliated to a State University, including a Private
University established or incorporated by an Act of the State
Legislature or constituent unit of a deemed to be University
defined under section 3 of University Grant Commission Act,
1956;

(ii) approved or recognized by the Competent Statutory Body
established by State Government, regulating
professional
education;

(l) "sanctioned intake" means and implies the total number
of seats sanctioned by an authority notified by
the State
Government for admitting students in each course of study in a
professional institution;

(m) "senior administrative officer" means an Officer of the
Indian Administrative Service or Provincial Civil Service of Uttar
Pradesh;

(n) "State University" means a University established or
incorporated by an Act of the State Legislature;

(o) "unaided institution" means a private Professional
Educational institution, not being an aided institution;

(p) "University Grants Commission" means the University
Grants Commission established under the University Grants
Commission Act, 1956.

CHAPTER—II

THE COMMITTEE

Composition,
disqualification
and functions

4.(1) There shall be a Committee for admission and fee
regulation to be constituted in such manner as may be prescribed. The
Committee shall be presided over by a person who is or who has been a
Senior Administrative Officer of the State or Vice-Chancellor of a

Central University or a State University or a deemed to be University;
who shall be called the Chairman of the Committee and shall include
two other Members having experience in matters of
finance or

administration.

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(2) The State Government shall appoint the Chairman and the
Members of the Committee mentioned in sub-section (1).

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

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

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

(6) The Chairman or any Member of the Committee shall be
removed, if he performs any act, which in the opinion of the State
Government is unbecoming of Chairman or Member of the Committee:

Provided that, no such Chairman or any Member shall be
removed by the State Government, without giving him an opportunity of
being heard.

(7) The Committee may frame its own procedure in such manner
as may be prescribed.

(8) The Committee may require a private aided or unaided
professional educational institution or, a deemed to be University or a
private university to furnish, by a prescribed date, information as may
be necessary for enabling the Committee to determine the fees as
prescribed under section 10 of this Act that may be fixed by the
institution in respect of each professional course, and the fees so
determined shall be valid for such period as notified by the State
Government.

(9) The State Government or the Committee may, if satisfied
that a professional educational institution has violated any provisions
of this Act or is charging more fee, than as determined under section 10
of this Act then it will recommend to the appropriate statutory body for
the withdrawal of the affiliation or recognition of such institution.

CHAPTER—III

ADMISSION

Eligibility 5. The eligibility for admission to a private aided or unaided
professional educational institutions shall be such as may be notified by
the State Government.

**Allocation of
seats** 6.(1) The State Government may, by notified order, reserve
seats out of sanctioned intake, in an unaided professional educational
private institution, other than minority institution, under management
category.

(2) Notwithstanding anything to the contrary contained in any other law for the time being in force, there shall be no reservation for Scheduled Casts, Scheduled Tribes or other backward classes of citizens in the seats reserved for management category.

Manner of admission

7. An unaided professional educational institution;

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(a) shall make admission to a seat under the general category, on the basis of the Common Entrance Test, in such manner as may be prescribed by the State Government.

(b) may make admission to a seat reserved under management category, in such manner, as may be prescribed by the State Government, through an notified order.

Common entrance test

8. In a aided professional educational institution, admission to

sanctioned intake shall be on the basis of the Common Entrance Test in such manner as may be prescribed.

Admission

9. (1) Every admission to an aided or unaided 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.

(2) The State Government or the Committee if satisfied that an aided or unaided professional educational institution has taken admission in violation of any provision of this Act or the rules or an order of the State Government issued in this behalf, it may recommend to the appropriate statutory body for the withdrawal of the affiliation or recognition of such institution.

CHAPTER-IV

FIXATION OF FEE

Factors

10. (1) The Committee shall determine, the fee to be charged by a private aided or unaided professional educational institution having regard to:—

(i) the nature of the professional course,

(ii) the available infrastructure,

(iii) a reasonable surplus required for growth and development of the professional institution,

(iv) the expenditure on administration and maintenance,

(v) the expenditure on teaching and non-teaching employees of the institution,

(vi) any other relevant factor.

(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.

CHAPTER-V

MISCELLANEOUS

Appeals	11. The State Government shall appoint an Appellate Authority, headed by a person who has been a Judge of the High Court, before which a person or professional institution aggrieved by an order of the Committee may file an appeal, within a period of 30 days from the date of receipt of such an order. [The Uttar Pradesh Private Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2006]
Act to have overriding effect	12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law than this Act.
Power to make rules	13. The State Government may, by notification, make rules for carrying out the purposes of this Act.
Power to make regulations	14. (1) The State Government or any authority authorized by the State Government may, by notification, make regulations consistent with this Act and the rules made thereunder. (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) the constitution and working and, terms and conditions of the Committee; (b) the manner or criterion of determination of fees to be charged by a Private Professional Educational Institution from the students; (c) the fees to be charged by the Private Professional Educational Institution from the students.
Power to remove difficulties	15. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by notified order, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty. (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Legislature.
Protection of action taken in good faith	16. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State Government or

theAppellateAuthority,orChairmanandMembersoftheCom
mittee
foranything,whichisingoodfaithdoneorintendedtobedoneu
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thisAct.
Repealand **17.** (1) The Uttar Pradesh Priate
Professional Educational **saving**
Institutions(RegulationofAdmissionandfixationoffee)Ordi
nance,
2006isherebyrepealed.
U.P.Ordinance (2)
Notwithstandingsuchrepealanythingdoneoranyaction
no.1of2006
takenundertheOrdinancereferredtoinsub-section(1)shallbe
deemedtohavebeendoneortakenunderthisActasiftheprovisi
ons
ofthisActwereinforceatallmaterialtimes.

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offee)Act,2006]

STATEMENTOFOBJECTSANDREASONS

TheStateGovernmenthasbeen empoweredbytheConstitutionNinety-third
Amendment to make special provisions regarding admission to the
educational
institutionsincludingprivateeducationalinstitutionswhetheraidedorunaidedbythe
Stateotherthantheminioreducationalinstitutionsreferredtoinclause(1)ofArticle
30oftheConstitutionofIndiainfavourofthepersonsbelongingtotheScheduled
Castes,ScheduledTribesandotherBackwardclassesofcitizen.Besides,theMinistry
ofHumanResources,GovernmentofIndiahadsuggestedthatthelegislationshould
alsobemadefortheregulationofadmissionandfixationoffeeinsucheducational
institutions.InthelightofthesuggestionsgivenbytheMinistryofHumanResources
GovernmentofIndiaithasbeendecidedtomakelawtoprovidefortheregulationof
admissionandfixationoffeeinprivateeducationalinstitutionsandthematter
conectedtherewithandincidentalthereto.

Since the State Legislature was not in session and immediate legislative action
was necessary to implement the aforesaid decision the Uttar Pradesh Private
Professional Educational Institutions (Regulation of Admission and Fixation of Fee)
Ordinance, 2006 (U.P. Ordinance no. 1 of 2006) was promulgated by the Governor on
July 10, 2006.

This Bill is introduced to replace the aforesaid Ordinance.