

KARNATAKA ACT NO. 13 OF 2006

THE KARNATAKA PROFESSIONAL EDUCATIONAL INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEE) (SPECIAL PROVISIONS) ACT, 2006

Arrangement Sections

Sections:

1. Short title, commencement and application
2. Definitions
3. Constitution of One Man Regulatory Committee
4. Fixation of fee
5. Regulation of admission and seat matrix
6. Invalidation of admissions made in violation of this Act
7. Power to remove difficulties
8. Power to make rules

STATEMENT OF OBJECTS AND REASONS

A Bill to provide for recognition of the consensual agreement entered into between the State Government and the Private Unaided Educational Institutions imparting Professional Educational Courses and for other matters, as provided in the judgment of the Supreme Court of India in P.A. Inamdar and others Vs. State of Maharashtra reported in 2005(6) SCC 537.

Whereas the State Government, to protect the interest of the students of Karnataka domicile and students belonging to educationally and socially backward classes, have entered into such consensual agreement with the Private Unaided Professional Educational Institutions and felt that the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 be kept in abeyance for the academic year 2006-07.

Hence the Bill.

[L.A. Bill No. 15 of 2006]

KARNATAKA ACT NO. 13 OF 2006

(First published in the Karnataka Gazette Extra-ordinary on the first day of July, 2006)

THE KARNATAKA PROFESSIONAL EDUCATIONAL INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEE) (SPECIAL PROVISIONS) ACT, 2006

(Received the assent of the Governor on the first day of July, 2006)

An Act to provide for recognition of the consensual agreement entered into between the State Government and the Private Unaided Educational Institutions imparting Professional Educational Courses and for other matters, as provided in the judgment of the Supreme Court of India in P.A. Inamdar and others Vs. State of Maharashtra reported in 2005(6) SCC 537.

Whereas the State Government, to protect the interest of the students of Karnataka domicile and students belonging to educationally and socially backward classes, have entered into a consensual agreement with the Private Unaided Professional Educational Institutions and felt that the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 be kept in abeyance for the academic year 2006-07 and for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-seventh year of the Republic of India, as follows:-

1. Short title, commencement and application.- (1) This Act may be called the Karnataka Professional Educational Institutions (Regulation of Admission and Fixation of Fee) (Special Provisions) Act, 2006.

(2) It shall come into force at once.

(3) Notwithstanding anything contained in the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 (Karnataka Act 8 of 2006), admissions and fixation of fee in an un-aided private Professional Educational Institution for the academic year 2006-07 shall be governed by the provisions of this Act.

2. Definitions.- In this Act unless the context otherwise requires,-

- (a) "Common Entrance Test" means the entrance test conducted for determination of merit of the candidates followed by centralized counseling for the purpose of admission to professional educational courses through a single window procedure;
- (b) "Common Entrance Test Cell" means the agency of the State Government which conducts the common entrance test;
- (c) "Consensual arrangement or agreement" means any agreement that may be entered into between the State Government and association of unaided

Private Professional Educational Institutions relating to admission and fixation of fee in professional courses;

- (d) "Institution" means Professional Educational Institutions offering Professional Educational courses;
- (e) "One Man Regulatory Committee" means the Committee constituted by the State Government under section 3;
- (f) "Professional Educational Courses" means,-
 - (I) In Medical and Dental Institutions,
 - (i) Bachelor of Medicine and Bachelor of Surgery; and
 - (ii) Bachelor of Dental Surgery.
 - (II) In Engineering Institutions,
 - (i) Bachelor of Engineering;
 - (ii) Bachelor of Technology;
 - (iii) Bachelor of Architecture; andsuch other courses as may be notified by the State Government.

- (g) "Unaided institution" means any privately managed professional educational institution, which is not receiving aid or grant-in-aid from the State Government.

3. Constitution of One Man Regulatory Committee.- There shall be a One-Man Regulatory Committee appointed by the State Government, who shall be a former Vice-Chancellor of any University in the State. The said One-Man Regulatory Committee shall oversee the admission to professional courses and the implementation of the consensual arrangement or agreement.

4. Fixation of fee. - Notwithstanding the fee fixed in respect of Professional Educational Institutions which are in force on the date of commencement of this Act, the State Government may, in accordance with the consensual agreement, by notification, fix the fee payable for admission to the Unaided Private Professional Educational Institutions. Different rates of fees may be fixed for different categories of students and different categories of institutions.

5. Regulation of admission and seat matrix. - (1) For effective implementation of the consensual arrangement or agreement, seats in a Private Unaided Professional Educational Institution shall be filled in the following manner, namely:-

- (I) Out of the total intake of seats,-
 - (a) in an institution offering Engineering courses not less than,-
 - (i) sixty percent of total seats in respect of non-minority institutions; and

- (ii) fifty percent of total seats in respect of minority institutions;
- (b) in an institution offering Medical and Dental courses not less than,-
 - (i) fifty percent of total seats in respect of non-minority institutions; and
 - (ii) forty percent of total seats in respect of minority institutions;

shall be filled through the Common Entrance Test Cell in accordance with the Karnataka Selection of Candidates for Admission to Government seats in Professional Educational Institutions Rules, 2006.

(II) The remaining seats shall be filled through the Common Entrance Test conducted by the association of Private Professional Educational Institutions or the association of religious and linguistic minority institutions, as the case may be followed by centralized counseling, in a fair and transparent manner on the basis of merit determined subject to such rules as may be prescribed except otherwise specified in the consensual agreement.

(2) Subject to reservation policy of the State Government and the consensual agreement, the State Government may, by notification, publish the seat matrix to be filled by the Common Entrance Test Cell and the management, by different categories of students in respect of different categories of institutions.

6. Invalidation of admissions made in violation of this Act.- All admissions made in violation of the provisions of this Act or the consensual arrangement or agreement by any Private Unaided Professional Educational Institutions for the academic year 2006-07 whether made before or after commencement of this Act shall be invalid. In case of such violation the State Government may direct the concerned university to cancel such admissions or affiliation of such institution as the case may be.

7. Power to remove difficulties. - If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make provisions not inconsistent with the provisions of this Act as appear it to be necessary or expedient for removing the difficulty.

8. Power to make rules.- (1) The State Government may, by notification, in the official Gazette, make rules prospectively or retrospectively for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

The above translation of ಪ್ರೇರಣೆಗೆ ಪರಿಶೋಧಿಸಿದ ಸಂವಿಧಾನ (ಸಂವಿಧಾನ ಸಂಶೋಧನೆ ಮತ್ತು ಸಂಶೋಧನೆ) (ಸಂವಿಧಾನ ಸಂಶೋಧನೆ ಮತ್ತು ಸಂಶೋಧನೆ) 2006 (2006 ರ ಪ್ರೇರಣೆಗೆ ಪರಿಶೋಧಿಸಿದ ಸಂವಿಧಾನ ಸಂಶೋಧನೆ 13) ಬಿಡುಗಡೆ ಮಾಡಲಾಗಿದೆ.

T.N. Chaturvedi
Governor of Karnataka

By Order and in the name of the Governor of Karnataka

G.K. Boregowda
Secretary to Government,
Department of Parliamentary Affairs and Legislation