

KARNATAKA ACT No. 23 OF 2011
THE KARNATAKA PROFESSIONAL EDUCATIONAL INSTITUTIONS
(REGULATION OF ADMISSION AND FIXATION OF FEE)
(SPECIAL PROVISIONS) ACT, 2011

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STATEMENT OF OBJECTS AND REASONS

Act 23 of 2011.- 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, for the academic year 2008-09, 2009-10, and 2010-11 have entered into such consensual arrangement or agreement and has proposed to enter in to consensual arrangement or agreement for the year 2011-12 with the Private Unaided Professional Educational Institutions and felt necessary that the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 be kept in abeyance for the academic years 2008-09, 2009-10, 2010-11 and 2011-12.

Hence, the Bill.

[L.C. Bill No. 03 of 2011, File No.Samvyashae 8 Shasana 2011]
[Entry 25 of List III of the Seventh schedule to the constitution of India.]

KARNATAKA ACT No. 23 OF 2011

(First published in the Karnataka Gazette Extra-ordinary on the Sixth day of April, 2011)

**THE KARNATAKA PROFESSIONAL EDUCATIONAL INSTITUTIONS
(REGULATION OF ADMISSION AND FIXATION OF FEE)
(SPECIAL PROVISIONS) ACT, 2011**

(Received the assent of the Governor on the Second day of April, 2011)

An Act to provide for recognition of the consensual arrangement or 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 arrangement or agreement with the Private Unaided Professional Educational Institutions for the years 2008-09, 2009-10, 2010-11 and has proposed to enter into a consensual arrangement or agreement for the year 2011-2012 and felt that the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 (Karnataka Act 8 of 2006) be kept in abeyance for the academic years 2008-09, 2009-10, 2010-11 and 2011-12 and for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty second 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, 2011.

(2) It shall be deemed to have come into force with effect from 1st day of June, 2008.

(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 unaided Private Professional Educational Institution for the academic years 2008-09, 2009-10, 2010-11 and 2011-12 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,-

(a) Bachelor of Medicine and Bachelor of Surgery; and

(b) Bachelor of Dental Surgery.

(II) In Engineering Institutions,

(a) Bachelor of Engineering;

(b) Bachelor of Technology;

(c) Bachelor of Architecture; and

(III) such 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 arrangement or 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.

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) (i) Out of the total intake of seats for the academic year 2008-09,-

- (a) in non-minority institution offering Engineering courses not less than, fifty five percent of total seats;
- (b) in minority institution offering Engineering courses not less than forty five percent of total seats;
- (c) in non-minority institution offering Medical courses not less than forty percent of total seats;
- (d) in minority institution offering Medical courses not less than twenty five percent of total seats;
- (e) in non-minority institution offering Dental courses not less than thirty five percent of total seats;
- (f) in minority institution offering Dental courses not less than twenty five percent of total seats;

(ii) Out of the total intake of seats for the academic year 2009-10,-

- (a) in non-minority institution offering Engineering courses not less than, fifty percent of total seats;
- (b) in minority institution offering Engineering courses not less than forty five percent of total seats;
- (c) in non-minority institution offering Medical courses not less than forty two percent of total seats;
- (d) in minority institution offering Medical courses not less than twenty seven percent of total seats;
- (e) in non-minority institution offering Dental courses not less than thirty five percent of total seats;
- (f) in minority institution offering Dental courses not less than twenty five percent of total seats;

(iii) Out of the total intake of seats for the academic year 2010-11,-

- (a) in non-minority institution offering Engineering courses not less than, fifty percent of total seats;
- (b) in minority institution offering Engineering courses not less than forty percent of total seats;
- (c) in non-minority institution offering Medical courses not less than forty two percent of total seats;
- (d) in minority institution offering Medical courses not less than twenty seven percent of total seats;
- (e) in non-minority institution offering Dental courses not less than thirty five percent of total seats;
- (f) in minority institution offering Dental courses not less than twenty five percent of total seats;
- (g) in minority and non-minority institutions offering Indian System of medicine and Homeopathy not less than twenty percent of total seats;

(iv) for the year 2011-12 such number of seats as may be agreed to by the Government under the consensual arrangement or agreement;

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 arrangement or agreement.

(2) Subject to reservation policy of the State Government and the consensual arrangement or 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 years 2008-09, 2009-10, 2010-11 and 2011-12 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.

9. Validation of admissions and collection of fee.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, all admissions made or purporting to have been made or the fee collected with effect from the 1st day of June, 2008 in accordance with the consensual arrangement or agreement or the provisions of this Act by the Professional Educational Institutions or the State Government shall be and shall be deemed to be valid and effective as if such admission or collection of fee had been done or made under the provisions of this Act,-

(a) all acts, proceedings or things done or taken by the Professional Educational Institutions or by the State Government in connection with the admissions and collection of fee be deemed to be, and to have always been done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any Court or Tribunal or authority for the refund of any such fee;

(c) no Court shall enforce any decree or order directing the refund of any such fee.

The above translation of the ಕರ್ನಾಟಕ ವೃತ್ತಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ (ಪ್ರವೇಶ ನಿಯಂತ್ರಣ ಮತ್ತು ಶುಲ್ಕ ನಿಗದಿ) (ವಿಶೇಷ ಉಪಬಂಧಗಳು) ಅಧಿನಿಯಮ, 2011 (2011ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 23) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

H.R. BHARDWAJ
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