

The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006

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Act 6 of 2006

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The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006 Punjab Act No. 6 of 2006 Statement of Objects and Reasons - With a view to strike a fair, just and transparent balance between the interests of students and the managements of private health sciences educational institutions in Punjab, there is an imperative need to fix reasonable fee. While affordable education needs to be made available to students, the private institutions need to be allowed a reasonable profit to cater to their expansion as well as replenishment expenses. Further, there is a need to provide for reservation and advancement of socially and educationally backward classes of citizens and for the scheduled castes and scheduled tribes. Separate and specific quotas need to be fixed with regard to the Open Merit seats, Management Quota seats, etc. The process of admissions needs to be regulated with the objective of ensuring a merit based fair and transparent process of admissions. Hence, "The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Bill, 2006". Published by Punjab Government Gazette (Extraordinary), dated March 17, 2006, Page 554. [Dated the 27th March, 2006] Department of Legal and Legislative Affairs, Punjab No. 6-Legislative/2006. - The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 24th March, 2006, and is hereby published for general information :- An Act to provide for the regulation of admission, fixation of fee and making of reservation in private health sciences educational institutions in the State of Punjab and for the matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Punjab in the Fifty-seventh Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006. (2) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Aided Institution" means a private health sciences educational institution including a minority institution, receiving recurring financial aid or assistance in whole or in part from the Central Government or State Government or from any local body; (b) "Common Entrance Test" means an entrance test, conducted by the State Government or any other authority, authorized by it; (bb) ["Council" means a professional council pertaining to any health sciences discipline, constituted under any State Act or Central Act;] [Inserted by Punjab Act No. 24 of 2006.] (c) "Fee" means a charge received by a private health sciences educational institution from a student in any manner or under any nomenclature as a condition for studying in that institution. Explanation. - It is made clear that the term "Fee" in addition to the tuition fee, shall also include all other expenses relating to studies; (d) "Foreign Indian Student" means a student declared as such by the State Government by notification; (e) ["Management Category" means a category comprising such seats out of the sanctioned intake of a private health sciences educational institution, as may be allocated to the management of such institution by the State Government by notification in the Official Gazette, for filling up those seats by that institution in a fair and transparent manner on the basis of the inter se merit, determined by a Common Entrance Test or Qualifying Examination, in the presence of the representative of the authority conducting the Common Entrance Test;] [Substituted by Punjab Act No. 24 of 2006.] (f) "Minority" means a community declared as such by the State Government by notification; (g) "Minority Institution" means an institution imparting health sciences education, established and administered by a minority for the purpose of welfare of the minority; (h) "Open Merit Category" means a category of seats comprising such seats out of the sanctioned intake of an institution, as may be allocated by the State Government by notification in the Official Gazette, for filling up those seats in a fair and transparent manner through a centralised receipt of applications and centralised counselling on the basis of the inter se merit, determined by a Common Entrance Test or Qualifying Examination, but excluding the seats of the management category or minority category; (i) "private health sciences educational institution" means an institution, not established and administered by the Central or State Government or a local body and it includes an aided or unaided or minority institution also; (j) "Qualifying Examination" means an examination, the passing of which enables a student to get admission to various courses of study in private health sciences educational institutions; (k) "sanctioned intake" means the total number of seats, sanctioned and notified by the State Government in the Official Gazette for admitting students in each course of study in a private health sciences educational institution; (l) "State Government" means the Government of State of Punjab in the Department of Medical Education and Research; and (m) "Unaided Institution" means a private health sciences educational institution, not being an aided institution.

3. Regulation of admission, fixation of fee and making of reservation.

(1)The State Government shall regulate admission, fix fee and make reservation for different categories in admissions to private health sciences education institutions.(2)For the purpose of determining the fee, the State Government may require any private health sciences educational institution to furnish such information, as it may deem appropriate.(3)[The State Government shall ensure that admission in a private health sciences educational institution is made in a fair and transparent manner on the basis of the inter se merit, determined by the Common Entrance Test or Qualifying Examination, as the case may be, in accordance with the procedure, notified by the State Government in the Official Gazette :Provided that the State Government may, by notification in the Official Gazette, exclude the diploma or certificate courses, offered the private health sciences educational institutions from the purview of the provisions of this sub-section.(4)Notwithstanding anything contained in sub-section (3), the State Government may, exempt minority institutions from the purview of that sub- section.(5)Consequent upon the exemption granted under sub-section (4), a common authority of the respective minority institutions, shall conduct a separate test in a fair, transparent and non-exploitive manner for admission of students in minority institutions in accordance with the merit, determined by the said authority.(6)In case, it is found that the aforesaid separate test has not been conducted in a fair, transparent and non-exploitive manner, the State Government shall have the power to cancel the same and direct the concerned authority to re-conduct the test.] [Sub-section (3) substituted and (4) and (5) added by Punjab Act No. 24 of 2006.]

4. Eligibility criteria for admission.

(1)The eligibility criteria for admission to a private health sciences educational institution shall be such, as may be determined and notified by the State Government from time to time.(2)[The State Government or any other authority, authorised by it, shall conduct the Common Entrance Test for making admissions to all private health sciences educational institutions in the State of Punjab, except for those, which are specifically exempted from such test.(3)Admission in all private health sciences educational institutions, except those, which are specifically exempted under this Act, and in the case of Foreign Indian Students, shall be made on the basis of the inter se merit of the candidates, determined in accordance with the Common Entrance Test.] [Sub-section (2) and (3) substituted by Punjab Act No. 24 of 2006.]

5. Allocation of seats.

(1)An aided minority private health sciences educational institution may reserve for itself, up to the maximum of thirty three per cent seats of the total sanctioned intake as a management category quota of seats.(2)An aided private health sciences educational institution, other than a minority institution, may reserve up the maximum of fifteen per cent seats of the total sanctioned intake as a management category quota of seats.(3)[-] [Omitted by Punjab Act No. 24 of 2006.](4)An unaided private health sciences educational institution, other than a minority institution, may reserve up to fifty per cent seats of the total sanctioned intake as a management category quota of seats.(5)[in the case of admission of Foreign Indian Students, -(a)a private health sciences educational institution

may admit such students in undergraduate courses against such number of seats and such courses, as may be notified by the State Government, after recording reasons therefor in writing :Provided that the total number of seats for the Foreign Indian Students shall not exceed fifteen per cent of the total sanctioned intake;(b)admission shall be made, against the seats, notified as management category; and(c)admission shall be made as per the procedure, notified by the State Government in a fair and transparent manner in the presence of the representative of the University to which it is affiliated, in accordance with the inter se merit, determined on the basis of the Qualifying Examination or its equivalent as may be notified by the State Government.](6)[-] [Omitted by Punjab Act No. 24 of 2006.]

6. Reservation of seats.

- All private health sciences educational institutions shall reserve seats for admission in open merit category and management category, for advancement of socially and educationally backward classes of citizens or for the Schedule Castes or Schedule Tribes to such extent, as may be notified by the State Government in the Official Gazette from time to time :Provided that such reservation shall not apply to the minority category seats in minority private health sciences educational institutions.[7. Fixation of fee. - (1) The State Government shall determine or cause to be determined the fee to be charged by the private health sciences educational institutions, having regard to the minimum norms of infrastructure and facilities as laid down by the concerned Council.(2)Notwithstanding anything contained in sub-section (1), the State Government may, in public interest, determine a provisional fee :Provided that the State Government shall determine fee in accordance with the provisions of sub-section (1) within a period of ninety days from the date of fixation of such provisional fee.] [Substituted by Punjab Act No. 24 of 2006.][8. Mechanism for dealing with violations. - (1) The State Government shall, by notification in the Official Gazette, constitute an authority to be known as nodal authority consisting of such members, as may be specified by it for entertaining complaints with regard to the violations of the provisions of this Act or any direction or notification issued thereunder :Provided that the State Government may, by notification, fix the terms and conditions of appointment, qualifications and conditions of service of the members of the nodal authority.(2)The State Government or the nodal authority, as the case may be, may also take suo motu notice of the violations of the provisions of this Act or any direction or notification issued thereunder.(3)The State Government or the nodal authority, as the case may be, may cause an enquiry to be made by appointing an Inquiry Officer into the allegations levelled by the complainant or at its suo motu initiative, and take the following actions, namely :-(a)file the complaint, if in its opinion, it is a vexatious, anonymous or pseudonymous complaint; or(b)direct the complainant to furnish additional information or an affidavit in support of his allegations; or(c)take such actions, as it may deem appropriate, keeping in view the facts and circumstances of the case.(4)For making an enquiry under sub-section (3), a summary procedure shall be followed and the enquiry shall be completed within a period of sixty days.(5)The nodal authority constituted under sub-section (1) or the Inquiry Officer, appointed under sub-section (3), shall have the powers of a civil Court to access, obtain and scrutinize the records of the private health sciences educational institutions as well as summoning of any person or any relevant official record, which he may deem necessary. The nodal authority shall forward its report to the State Government and may recommend any of the actions as mentioned in sub-section (1) of Section 9 of this Act.] [Substituted by Punjab Act No. 24 of 2006.]

9. Parties.

- [(1) The State Government may, suo motu or on the report of the nodal authority, if satisfied that a private health sciences educational institution has violated any of the provisions of this Act or any direction or notification issued thereunder, it may take any or all of the following actions, namely :- (a) direct the private health sciences educational institution to redress the grievance of the concerned party; (b) cause the withdrawal of affiliation or recognition of such private health sciences educational institution from the concerned university or council or any other authority or body to which such private health sciences educational institution is affiliated, to be made; (c) impose fine on such private health sciences educational institution, and such a fine shall be recoverable as arrears of land revenue; (d) direct the private health sciences educational institution to cancel the admission or direct the concerned university or council to cancel the registration of the student, who has been admitted to private health sciences educational institution in violation of the provisions of this Act or any direction or notification issued thereunder; or (e) direct the private health sciences educational institution to admit any student to whom admission has been wrongly denied.](2) Before taking any action under sub-section (1), a reasonable opportunity of being heard shall be provided to such institution by the State Government.

10. Powers of the State Government to issue directions.

- This State Government may, from time to time, issue to the private health sciences educational institutions such directions, as in its opinion, are necessary or expedient for carrying out the purposes of this Act and the notifications issued thereunder and such institutions shall comply with the directions so issued.

11. Power to remove difficulties.

(1) If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty : Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. (2) Every order made under this section, shall be laid, as soon as may be, after it is made, before the Punjab State Legislature.

12. Protection to actions taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or employee of the State Government or any other person or authority, authorised by the State Government for anything, which is done or intended to be done in good faith under this Act or the notification issued thereunder. [Sub-section (1) substituted by Punjab Act No. 24 of 2006.] [Substituted by Punjab Act No. 24 of 2006.]