

The Tamil Nadu Admission In Professional Educational Institution Act, 2006

TAMILNADU

India

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Act 3 of 2007

- Published on 3 March 2007
- Commenced on 3 March 2007
- [This is the version of this document from 3 March 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

The Tamil Nadu Admission In Professional Educational Institution Act, 2006Tamil Nadu Act 3 of 2007Statement of Objects and Reasons. - The bulk of the students appearing for the Common Entrance Test come from rural areas and facilities for them to access coaching classes to equip themselves for the Common Entrance Test are not available due to non-availability of such coaching centres in their locality and also due to paucity of funds and economic circumstances in which those students live. It has been opined that the Common Entrance Test has become a traumatic experience for parents and children as it appears to determine at one stroke the future of the child. The Higher Secondary Examination (Plus two) itself is a serious examination of merit casting a high burden on students, and is itself verify an entrance test to get admitted to higher level course and admission to professional courses. This obviates the need for any separate common entrance test thereafter, as it is an additional burden on the students.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 24th December 2006.2. In His address to the Tamil Nadu Legislative Assembly on 24-5-2006, His Excellency, the Governor of Tamil Nadu has announced that,-"the Common Entrance Examination for admission to professional courses has become highly expensive and a source of unnecessary hardship for the students. With a view to ensuring a level playing field to students from rural areas and poor families and those from urban areas, this Government will constitute a Committee of educational experts to recommend suitable measures for abolition of Common Entrance Examination from the academic year 2007-2008."3. Accordingly, the Government constituted a committee of educational experts under the Chairmanship of Dr. M. Ananthakrishnan, former Vice-Chancellor, Anna University vide G. O. (Ms.) No. 206, Higher Education, dated 7-7-2006. The Committee has made, among other things, the following recommendations:-(i) The Government may undertake immediate steps to eliminate the Common Entrance Test;(ii) The Government may pass a Bill indicating the need for elimination of Common Entrance Test in the interest of Social Justice and protection of vulnerable student population;(iii) The Bill should explicitly propose the Normalisation Process for ensuring equality of

opportunities for admission to the students from different Boards.⁴ The Government have decided to accept the recommendations of the Committee and to bring out a legislation for the said purposes.⁵ The Bill seeks to give effect to the above decision. Received the assent of the President on the 3rd March 2007 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 5th March 2007. An Act to provide for admission to professional degree courses such as Engineering, Medicine, Dental, Agriculture and other allied courses on the basis of marks in the qualifying examination. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-seventh Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Tamil Nadu Admission in Professional Educational Institutions Act, 2006. (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a) "appropriate authority" means a University or an Authority authorised by the Government to select and allot students for admission in professional educational courses; (b) "Government" means the State Government; (c) "Government seats" mean,-(i) all the seats in Government colleges, University colleges and University constituent colleges; (ii) such number of seats in aided professional educational institutions as may be notified by the Government; and (iii) 65% of seats in each branch in non-minority unaided professional educational institutions and 50% of the seats in each branch in minority unaided professional educational institutions, in accordance with the consensus arrived at between such professional educational institutions and the Government; (d) "minority professional educational institution" means the educational institutions recognized or declared as such by the Government, subject to such conditions as may be prescribed; (e) "professional educational courses" mean,-(1) in Medical and Dental Institution, the first year of,-(i) Bachelor of Medicine and Bachelor of Surgery; and (ii) Bachelor of Dental Surgery; (2) in Engineering Institution, the first year of,-(i) Bachelor of Engineering; (ii) Bachelor of Technology; and (iii) Bachelor of Architecture. and includes any other professional educational courses at undergraduate and postgraduate level, as may be notified by the Government in this behalf; (f) "professional educational institution" means any college or school or an institute, by whatever name called, including minority professional educational institutions, conducting professional educational courses leading to the award of a degree, whatever name called, approved or recognised by the competent statutory body and affiliated to an University; (g) "qualifying examination" means the examination conducted by the Board of Secondary Education, Government of Tamil Nadu, at the Higher Secondary (Plus Two) level or an equivalent examination conducted by the Central Board of Secondary Education or any other State Board of any other State or any other Authority; (h) "relevant subjects" mean the subjects as may be prescribed for admission to each professional educational courses; (i) "State Board" means the Board of Secondary Education, Government of Tamil Nadu; (j) "University" means the University established or incorporated by an Act of the State Legislature; (k) the expression "non-resident Indian" shall have the meaning assigned to it in the Income-tax Act, 1961 (Central Act 43 of 1961).

3. Admission to Government seat.

- Notwithstanding anything contained in any relevant law or any rules, regulations or by-laws made thereunder, admission to every Government seat in every professional educational institution shall be made, by the appropriate authority, on the basis of the marks obtained by a student in the relevant subjects, in the qualifying examination.

4. Admission in unaided professional educational institutions.

(1)Notwithstanding anything contained in any relevant law or any rules, regulations or bylaws made thereunder, admission to seats, excluding the seats referred to in item (iii) of clause (c) of section 2, in all unaided professional educational institutions shall be made by the consortium of unaided professional educational institutions approved by the Government or by any Authority authorised by the Government, on the basis of the marks obtained by a student in the relevant subjects, in the qualifying examination.(2)Notwithstanding anything contained in sub-section (1), any unaided professional educational institution may fill up seats equivalent to 15 per cent, of the total sanctioned strength, in each branch, by the candidates belonging to the non-resident Indians, in accordance with such guidelines as may be issued by the Government, from time to time.

5. Normalization of marks.

(1)The marks obtained by the students in the relevant subjects in the qualifying examination conducted by various Boards or Authority shall be equated with the marks obtained by the students in the same subjects in the qualifying examination conducted by the State Board, by adopting the method of normalization.Explanation. - Under the method of normalization, the highest mark obtained by the students of various Boards in each subject shall be equated to the highest mark obtained by the students of State Board in that subject and the relative marks obtained by other students in that subject shall be determined accordingly.Illustration. - If the highest marks secured by the student of State Board in Physics is 100 and the highest mark secured by a student of any other Board in the same subject is 90, both the highest marks will be considered to be equal to 100. If a student of the other Board secures 60 marks in Physics when the first mark in Physics in the same Board is 90, the 60 marks will be considered to be equal to 66.66 marks as arrived at below:-

$$100 \times \frac{60}{90} = 66.66\%$$

90

(2)After normalization of marks in the relevant subjects in the qualifying examination conducted by different Boards, the qualified students of different Boards shall be merged into a common merit list.(3)In cases where more than one student have got the same marks in the common merit list, the inter-se-merit among such students shall be determined in such manner as may prescribed.(4)The appropriate authority and the consortium of unaided professional educational institution shall prepare the rank lists for admission of students to the seats referred to in section 3 and section 4, respectively, and allot students through centralized counseling.

6. Reservation to apply.

- Admission into every professional educational institution other than minority professional educational institution shall be made following the reservation as per law in force.

7. Invalidation of admission made in violation of the Act.

- Notwithstanding anything contained in any other law in force, any admission made in violation of the provisions of this Act or the rules made thereunder shall be invalid.

8. Inquiry of complaints.

- Any complaint on the admission of students in the unaided professional educational institutions shall be inquired into by the appropriate authority which shall, after obtaining the evidence and the explanation of the management of the unaided professional educational institution concerned, forward appropriate recommendations to the Government.

9. Penalty.

(1)Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to five lakh rupees.(2)The Government may, if they are satisfied that any institution has violated any of the provisions of this Act, recommend to the concerned University or statutory body for withdrawal of affiliation or recognition of such institution or for any other courses of action as they deem fit.

10. Power to make rules.

(1)The Government may make rules for carrying out the purposes of this Act.(2)(a)All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.(3)Every rule made or notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order 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 or notification or order.

11. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the appropriate authority, Government or its Officers for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

12. Power of Government to give directions.

- The Government may, from time to time, issue such directions, as it may deem fit, for giving effect to the provisions of this Act.

13. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.