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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT PROFESSIONAL TECHNICAL EDUCATIONAL COLLEGES OR INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEES) (AMENDMENT) BILL, 2012.

GUJARAT BILL NO. 4 OF 2012.

A BILL

further to amend the *Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007*.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the *Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Act, 2012*. Short title.

Guj. 2 of 2008. 2. In the *Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007* of section 2 of (hereinafter referred to as "the principal Act"), in section 2,- Guj. 2 of 2008.

(i) in clause (g), after sub-clause (ii), the following sub-clause shall be inserted, namely:-

“(iii) all supernumerary seats of the professional courses in the Government colleges or institutions and in the aided and unaided colleges or institutions;”;

(ii) after clause (l), the following clause shall be inserted, namely:-

“(l) “supernumerary seats” means the seats which are termed as such by the AICTE or other statutory body and which are over and above the sanctioned intake of professional course;”.

Amendment 3.
of section 6 of
Guj.2 of 2008.

In the principal Act, the existing section 6 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

“(2) Notwithstanding anything contained in sub-section (1), in the event of no student being available from the merit list or the seats declared as vacant by the Admission Committee, the Government may permit admission to such professional course in the manner as may be prescribed.”.

Insertion of new 4.
section 7A in
Guj.2 of 2008.

In the principal Act, after section 7, the following section shall be inserted, namely:-

Provisions
relating to
admission to
students from
other States.

“7A. (1) Notwithstanding anything contained in this Act so far as admission to professional courses is concerned, students from other States may be given admission in the unaided colleges or institutions in such manner and on such number of seats of professional courses, as may be specified by an order published in the *Official Gazette*, by the State Government.

(2) For the purpose of giving admission to the students referred to in sub-section (1), the State Government may,-

- (a) specify the criteria on which the admission may be given, or
- (b) may direct to conduct the separate common entrance test, and to prepare the separate merit list on the basis of the same for such professional courses.”.

Amendment 5.
of section 10
of Guj.2 of
2008.

In the principal Act, in section 10, in sub-section (1), the words “and for students from other States” shall be added at the end.

6.

In the principal Act, after section 13, the following section shall be inserted, namely:-

Insertion of new
section 13A in
Guj.2 of 2008.

Exemption.

“13A. The State Government may exempt from all or any of the provisions of this Act, by notification in the *Official Gazette*, such college or institution which may be declared as the Center of Excellence after following due procedure as may be laid down in the rules.”.

STATEMENT OF OBJECTS AND REASONS

During the last 10 years, the number of approved seats in the professional courses in the Gujarat State has significantly increased year by year in order to reduce the gap between demand and supply of trained manpower in Industries. In the last two-three years, after completion of the admission process in the professional courses, considerable seats have remained vacant in some disciplines. At the same time neighboring States like Rajasthan and Maharashtra as well as distant States like Tamil Nadu, Karnataka and Andhra Pradesh have been allowing students from other States since long. This has strengthened the competition and knowledge aspect of the students in their States. Hence, to fill the vacant seats as well as to improve competitiveness of our students, it is considered necessary to provide admission to the students from other States within the limit as may be decided by the Government from time to time in unaided colleges or institutions of the State. *Clause 4* of the Bill provides for the same. An opportunity is taken to amend certain provisions of the Act so as to remove any ambiguity of supernumerary and vacant seats. *Clauses 2 and 3* of the Bill provide for the same. It is also considered necessary to exempt certain colleges or institutions which have achieved the level of Centre of Excellence from all or any of the provisions of the Act. The State Government will lay down the criteria and norms for a college or an institution which may be declared as the Center of Excellence. *Clause 6* of the Bill provides for the same. Consequential amendments have been made to give effect to aforesaid provisions.

This Bill seeks to amend the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (Guj. 2 of 2008) to achieve the aforesaid objects.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 3.- Sub-section (2) proposed to be inserted in section 6 by this clause empowers the State Government to prescribe by rules, the manner in which admission of students shall be permitted in such professional courses in the event of no student being available from the merit list or the seats declared as vacant by the Admission Committee.

Clause 4.- (i) New section 7A proposed to be inserted by this clause empowers the State Government to specify by an order, the manner in which and the number of seats of professional courses on which the admission to students from other States in the professional courses in the unaided colleges or institutions shall be given;

(ii) sub-clause (2) of this clause empowers the State Government to specify the criteria on which the students from other States may be given admission or may direct to conduct the separate common entrance test, and to prepare the separate merit list for such professional courses.

Clause 6.- New section 13A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to exempt from all or any of the provisions of this Act such college or institution which may be declared under the rules as the Center of Excellence.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 18th February, 2012.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 18th February, 2012. **C. J. GOTHI;**
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.