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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 GUJARAT PROFESSIONAL MEDICAL EDUCATIONAL COLLEGES OR INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEES) (AMENDMENT)

BILL, 2016.

GUJARAT BILL NO. 33 OF 2016

A BILL

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

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

Short title and commencement.

1. (1) This Act may be called the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Act, 2016.

(2) This section and sections 3 and 4 shall come into force at once and section 2 shall be deemed to have come into force on the 10th June, 2016.

Amendment of section 2 of Guj. 3 of 2008.

2. In the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (hereinafter referred to as "the principal Act"), in section 2, in clause (i), the words "or the dependents for the education purpose" shall be deleted.

Amendment of section 10 of Guj. 3 of 2008.

3. In the principal Act, in section 10, to sub-section (3), the following proviso shall be inserted, namely:-

"Provided that the Fee Regulatory Committee may determine different fee for three consecutive academic years at a time and may also determine different fee for each of the years of the duration of the professional course to which a student is admitted."

Repeal and Savings.

4. (1) The Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Ordinance, 2016 is hereby repealed. **Guj. Ord. 2 of 2016.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act. **Guj. 3 of 2008.**

STATEMENT OF OBJECTS AND REASONS

The Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 provides for seventy-five per cent. Government seats and twenty-five per cent. Management seats which include fifteen per cent. Non-Resident Indian (NRI) seats for the purpose of admission into the Professional Medical Educational Colleges or Institutions.

It was experienced that in so far as the NRI seats were concerned, the benefit of the said seats was not fully taken by the NRIs and that most of the seats were filled in by those who were dependents of such NRIs. As such it was felt that the purpose for which the NRI seats were earmarked was not fully served. In view of this, as the Gujarat Legislative Assembly was not in session at that time, the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Ordinance, 2016 was promulgated by Hon'ble the Governor to do away altogether with the NRI seats. The said Ordinance was challenged before the High Court of Gujarat in SCA No. 9915 of 2016 and others and the High Court, while partly allowing the petition, vide its judgment rendered on 16th August, 2016 has set aside the said Ordinance to the extent of genuine children and wards of the Non-Resident Indians and has made it clear that the same shall not apply either to the NRI dependent or NRI sponsored.

consider the dependents of NRI for admissions on NRI seats and accordingly the definition of the term "Non-Resident Indian Seats" is proposed to be amended suitably.

An opportunity is also taken to revise the existing powers of the Fee Regulatory Committee as provided in section 10 of the said Act thereby empowering the Fee Regulatory Committee to determine different fee for three consecutive academic years at a time as also to determine different fee for each of the years of the duration of the professional course to which a student is admitted and for the same sub-section (3) of section 10 is proposed to be amended accordingly.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 16th August, 2016.

SHANKAR CHAUDHARY,

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

Gandhinagar

Dated the 16th August, 2016

C. J. Gothi,

Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.