



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FOURTH SESSION**

**THE KARNATAKA PROFESSIONAL EDUCATIONAL INSTITUTIONS
(REGULATION OF ADMISSION AND FIXATION OF FEE) (SPECIAL
PROVISIONS) BILL, 2014**

(L.A. Bill No. 46 of 2014)

A Bill 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 it is expedient, to protect the interest of the students of Karnataka and students belonging to educationally and socially backward classes, State Government have entered into a consensual arrangement or agreement with the Private Unaided Professional Educational Institutions for the years 2006-2007, 2007-2008 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 and consider 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 admission and fixation of fee in Private Unaided Professional Educational Institutions for the academic year 2014-15 and for other purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty fifth 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, 2014.

(2) It shall come into force at once.

(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

un-aided Private Professional Educational Institution for the academic year 2014-15 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 called the Karnataka Examination Authority 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) Post graduate degree or diploma courses in medical and dental sciences; and

(iv) 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 monitor the effective implementation of the admissions to professional educational courses and the implementation of the consensual arrangement or agreement done in accordance with the provisions of this Act.

4. Fixation of fee.- Notwithstanding the fee fixed in respect of Professional Educational Courses 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 Courses. 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) for the year 2014-15 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 as amended from time to time.
- (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 and non exploitative 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 2014-15 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.

STATEMENT OF OBJECTS AND REASONS

A Bill to provide for recognition of the consensual agreement proposed to be 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 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 have entered into such consensual arrangement or agreement 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 year 2014-15 in respect of admission and fixation of fee in a unaided private professional educational institutions.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5: Item (ii) of sub-clause (1) emp ower the State Government to make rules to determine merit to fill up remaining seats through Common Entrance Test conducted by the association of Private Professional Educational Institutions or the association of Religion and Linguistic Minority Institutions.

Clause 8: Clause 8 empower the State Government to make rules to carry out the purposes of the Act.

The proposed delegation of legislative power is normal in character.

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Karnataka Legislative Assembly