

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 13th September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 43 of 2021

A Bill to provide for admission to under graduate courses in Medicine, Dentistry, Indian Medicine and Homoeopathy on the basis of marks obtained in the qualifying examination.

WHEREAS the National Medical Commission Act, 2019 (Central Act 30 of 2019), the Dentists Act, 1948 (Central Act 16 of 1948), the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Regulations, 1986 framed under the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) and the Homoeopathy (Degree Course) Regulations, 1988 framed under the Homoeopathy Central Council Act, 1973 (Central Act 59 of 1973) provide for conduct of National Eligibility cum Entrance Test for admission to under graduate courses in Medicine, Dentistry, Indian Medicine and Homoeopathy, respectively;

AND WHEREAS an High Level Committee was constituted under the Chairmanship of Justice Thiru A.K. Rajan (retired Judge of the High Court of Madras) to study whether the National Eligibility cum Entrance Test (NEET) based admission process has adversely affected the social, economic and federal polity and the students of rural and urban poor, those who studied in Tamil Medium and in Government schools or any other section of students in the State, and if so, to suggest the steps to be taken to remove the impediments and to protect the rights of the State for advancing the principles of Social Justice and also to fulfill the mandate of the Constitution to provide equal and equitable access to health to all sections of the people of Tamil Nadu;

AND WHEREAS the High Level Committee was also required to study whether the NEET is an equitable method of selection of students and also to consider the effect of mushrooming NEET coaching centres on the educational system in the State;

AND WHEREAS the High Level Committee, on making a detailed study on the subject, has concluded that if NEET continues for a few more years, the health care system of Tamil Nadu will be very badly affected and there may not be enough doctors for being posted at Primary Health Centres or Government Hospitals and that the rural and urban poor may not be able to join the medical courses;

AND WHEREAS the High Level Committee has recommended that the State Government may undertake immediate steps to eliminate NEET from being used in admission to Medical Programmes at all levels by following the required legal and / or legislative procedures;

AND WHEREAS, from the report of the High Level Committee, it becomes apparent that NEET is not a fair or equitable method of admission since it favours the rich and elite section of the society;

AND WHEREAS the standard of medical education is no way diluted or affected merely by dispensing with the common entrance examination;

AND WHEREAS the State Government, after careful consideration of the recommendation of the High Level Committee, with a view to ensure social justice, have decided that admission to under graduate courses in Medicine, Dentistry, Indian Medicine and Homoeopathy in the State shall be made only based on the marks obtained in the qualifying examination, namely, the Higher Secondary Examination (Plus Two);

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Admission to Undergraduate Medical Degree Courses Act, 2021.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. 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 to M.B.B.S., B.D.S., B.S.M.S., B.A.M.S., B.U.M.S. and B.H.M.S. courses;

(b) “educational institution” means any college or an institution, by whatever name called, including minority institution, conducting M.B.B.S., B.D.S., B.S.M.S., B.A.M.S., B.U.M.S. and B.H.M.S. courses, approved or recognised by the competent statutory body and affiliated to a University;

(c) “Government” means the State Government;

(d) “Government seats” mean,—

(i) all the seats in M.B.B.S., B.D.S., B.S.M.S., B.A.M.S., B.U.M.S. and B.H.M.S. courses in Government Colleges, excluding the seats reserved for ‘All India quota’;

(ii) 65 per cent. of seats in M.B.B.S., B.D.S., B.S.M.S., B.A.M.S., B.U.M.S. and B.H.M.S. courses in non-minority educational institutions and 50 per cent. of seats in minority educational institutions or the seats as arrived at in accordance with the consensus between such institutions and the Government;

(e) “Government schools” mean and includes Government schools, Corporation schools, Municipal schools, Adi Dravidar and Tribal Welfare schools, Kallar Reclamation schools, Forest Department schools and other schools managed by Government departments;

(f) “minority educational institution” means the educational institution recognized or declared as such by the Government, subject to such conditions as may be prescribed;

(g) “private school” means a school which is not a Government school;

(h) “qualifying examination” means the examination conducted by the Board of Higher Secondary Examination, Tamil Nadu, at the Higher Secondary (Plus Two) level or any equivalent examination conducted by the Central Board of Secondary Education or the Board of any other State or any other authority;

(i) “relevant subjects” mean the subjects as may be prescribed for admission to M.B.B.S., B.D.S., B.S.M.S., B.A.M.S., B.U.M.S. and B.H.M.S. courses;

(j) “State Board” means the Board of Higher Secondary Examination, Tamil Nadu;

(k) “students studied in Government schools” mean children who have studied from sixth standard to higher secondary course in a Government school.

Central Act 35 of
2009.

Explanation.— For the purpose of this definition, children belonging to weaker section and disadvantaged group who have studied upto eighth standard in a Specified category school or an unaided school, as per clause (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 and studied all remaining standards up to higher secondary course in a Government school shall be deemed to be 'students studied in Government schools';

(l) "University" means a University established or incorporated by an Act of the State Legislature.

3. Notwithstanding anything contained in any other law or any rules, regulations, notifications or by-laws made thereunder, admission to every Government seat 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.

Admission to
Government
seat.

4. (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 normalisation.

Normalisation of
marks.

Explanation.— Under the method of normalisation, the highest marks obtained by the students of various Boards in each subject shall be equated to the highest marks obtained by the students of the State Board in that subject and the relative marks obtained by other students in that subject shall be determined accordingly.

Illustration.— If the highest mark secured by the student of the State Board in Physics is 100 and the highest mark secured by the student of any other Board in the same subject is 96, both the highest marks will be considered to be equal to 100. If a student of the other Board secures 80 marks in Physics when the first mark in Physics in the same Board is 96, the 80 marks will be considered to be equal to 83.33 marks as arrived at below:—

$$\frac{100 \times 80}{96} = 83.33\%$$

(2) After normalisation 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 be prescribed by the rules made under this Act.

(4) The appropriate authority shall prepare the rank lists for admission of students to the Government seats and allot students through centralised counselling.

5. Admission to Government seats shall be made following the rule of reservation as per the law in force.

Reservation to
apply.

6. Notwithstanding anything contained in any law for the time being in force and subject to section 5, seven and a half per cent of the Government seats shall be set apart on preferential basis to students studied in Government schools.

Admission on
preferential
basis.

- Right to compete for other seats not to be affected. 7. Students studied in Government schools shall also be entitled to compete for the Government seats, other than those set apart on preferential basis, along with the students who studied in private schools.
- Filling up of preferential seats. 8. Notwithstanding anything contained in section 6, where adequate number of students studied in Government schools are not available for admission to the seats set apart on preferential basis, such unfilled seats shall be filled up with the students who studied in private schools.
- Admission made in violation of Act. 9. Notwithstanding anything contained in any other law for the time being in force, any admission made in violation of the provisions of this Act or the rules made thereunder shall be void.
- Penalty. 10. (1) Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to ten lakh rupees.
- (2) The Government may, if they are satisfied that any educational 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 course of action as they deem fit.
- Protection of action taken in good faith. 11. 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.
- Power to give directions. 12. The Government may, from time to time, issue such directions as it may deem fit for giving effect to the provisions of this Act.
- Power to remove difficulties. 13. 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.
- Power to make rules. 14. (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.

STATEMENT OF OBJECTS AND REASONS

On and from the academic year 2017-2018, admission to all medical education institutions throughout the country at the under graduate and post graduate level is based on the marks obtained in the uniform entrance examination i.e. National Eligibility-cum-Entrance Test (NEET). A detailed study, whether the National Eligibility-cum-Entrance Test (NEET) based admission process has adversely affected the Social, Economic and Federal Polity and the students of rural and urban poor, those who studied in Government Schools, those who studied in Tamil Medium or any other section of students in Tamil Nadu, was undertaken by a High Level Committee and the Committee in its finding has reported that the NEET has clearly undermined the diverse societal representation in MBBS and higher medical studies, favouring mainly the affordable and affluent segment of the society while equally thwarting the dream of pursuing medical education by the underprivileged social groups. The analysis in multiples of dimensions related to Socio Economic and Other Demographic Status (SEODS) of those who have competed for medical education has proved this fact. In particular, the NEET has deserted the representation of the social and other demographic groups having low Socio Economic and Other Demographic Status (SEODS) in medical education. Those social groups which were mostly affected were the students of Tamil medium, having rural background of Government schools those having parental income less than 2.5 Lakhs per annum and the socially depressed and disadvantaged groups like Most Backward Classes, Scheduled Castes, and Scheduled Tribes. Therefore, the Committee concludes that the NEET is against these disadvantaged groups. The NEET does not seem to ensure merit or standard of the students being offered MBBS under its purview. The findings indicate that the NEET has only enabled and empowered comparatively the low performing (in NEET scores and HSc scores) students to get admission to MBBS. Therefore, the question of NEET ensuring quality and merit of the students is to be ruled out. Comparatively, it has been observed that the HSc marks based on which admissions were offered during the pre-NEET period ensured entry of quality and meritorious students. The Committee has recommended, among others that the State Government may pass an Act, similar to that of the Tamil Nadu Admission in Professional Educational Institutions Act, 2006 (Tamil Nadu Act 3 of 2007) indicating the need for elimination of NEET at all levels of Medical Education and get the President's assent for the same. This will ensure social justice and protect all vulnerable student communities from being discriminated in admission to medical education programmes.

2. It is evident from the Commission's report that NEET is not an equitable method of admission. The experience of the past four years of NEET has shown that the exam has shattered the hopes and dreams of Tamil Nadu students aspiring for admissions to medical and dental courses, particularly, students from the socially and economically backward classes. The extra examination which students are compelled to face, other than the qualifying examination has caused huge financial burden to the students from socially and economically backward classes. It festers inequality, as it favours the rich and more privileged class of society who are able to afford special coaching, apart from pursuing Class XII. It virtually barricades the underprivileged social groups from medical and dental education. This is against the very object of the equality clause enshrined in the Constitution, and it also infringes the right to education of the children from these underprivileged class of society. Further, these students from the affluent class, after the under graduate course, do not serve in the rural areas. They often pursue post graduate course abroad. Thus, the number of serving doctors in the State is declining. It is also spurious to suggest that NEET improves the standard of medical education. The standard of medical education is maintained during the under graduate course by following the syllabus and curriculum prescribed by the National Medical Commission and exams conducted by the University before awarding the degree. Students who are not able to pass the university exams are not awarded degrees. Therefore, it is not during admission stage that the standard of medical education is maintained. Further, even before 2017, Tamil Nadu had one of the highest numbers of medical and dental educational institutions and the standard of medical and dental professional graduating from these institutions were of high mettle. Therefore, merely because admission is done on the basis of a qualifying examination, in this State, it would in no way lower the standard of education since the higher secondary syllabus is of a sufficient standard. Furthermore, if the marks are adjusted through a normalisation method, it would provide a just, fair and equitable method of admission. Admissions to medical education courses are traceable to entry 25 of List III, Schedule VII of the Constitution of India. Therefore, the State is competent to regulate the same against the underprivileged social groups. The Government, after careful consideration of the recommendation of the High Level Committee, have decided to enact a law to dispense with the requirement of National Eligibility cum Entrance Test for admission to the undergraduate medical degree courses and to provide admission to the said courses on the basis of the marks obtained in the qualifying examination, through normalisation methods, in order to ensure social justice, uphold equality and equal opportunity, protect all vulnerable student communities from being discriminated, and bring them to the mainstream of medical and dental education, and in turn to ensure a robust public health care across the State particularly the rural areas.

3. The Bill seeks to give effect to the above decision.

MA. SUBRAMANIAN,
Minister for Health & Family Welfare.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 1(2), 4(3), 12, 13 and 14 of the Bill authorise the Government to make rules or to issue notifications or orders, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

MA. SUBRAMANIAN,
Minister for Health & Family Welfare.

Chennai-600 009,
13th September 2021.

K. SRINIVASAN,
Secretary.