



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, MONDAY, MARCH 27, 2006
(CHAITRA 6, 1928 SAKA)

LEGISLATIVE SUPPLEMENT

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Price : Rs. 2.70 Paise

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PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 27th March, 2006

No. 6-Leg./2006.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 24th March, 2006, and is hereby published for general information :—

THE PUNJAB PRIVATE HEALTH SCIENCES EDUCATIONAL
INSTITUTIONS (REGULATION OF ADMISSION,
FIXATION OF FEE AND MAKING OF
RESERVATION) ACT, 2006

(Punjab Act No. 6 of 2006)

AN

ACT

to provide for the regulation of admission, fixation of fee and making of reservation in private health sciences educational institutions in the State of Punjab and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Punjab in the Fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006. Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "Aided Institution" means a private health sciences educational institution including a minority institution, receiving recurring financial aid or assistance in whole or in part from the Central Government or State Government or from any local body ;

(b) "Common Entrance Test" means an entrance test, conducted by the State Government or any other authority, authorized by it ;

(c) "Fee" means a charge received by a private health sciences educational institution from a student in any manner or under any nomenclature as a condition for studying in that institution.

Explanation.—It is made clear that the term "Fee" in addition to the tuition fee, shall also include all other expenses relating to studies ;

(d) "Foreign Indian Student" means a student declared as such by the State Government by notification ;

- (e) "Management Category" means a category comprising such seats out of the sanctioned intake of an institution, as may be allocated to the management of an institution by the State Government by notification in the Official Gazette, for filling up those seats in a fair and transparent manner through a centralised receipt of applications and centralised counselling on the basis of the *inter se* merit, determined by a Common Entrance Test or Qualifying Examination ;
- (f) "Minority" means a community declared as such by the State Government by notification ;
- (g) "Minority Institution" means an institution imparting health sciences education, established and administered by a minority for the purpose of welfare of the minority ;
- (h) "Open Merit Category" means a category of seats comprising such seats out of the sanctioned intake of an institution, as may be allocated by the State Government by notification in the Official Gazette, for filling up those seats in a fair and transparent manner through a centralised receipt of applications and centralised counselling on the basis of the *inter se* merit, determined by a Common Entrance Test or Qualifying Examination, but excluding the seats of the management category or minority category ;
- (i) "private health sciences educational institution" means an institution, not established and administered by the Central or State Government or a local body and it includes an aided or unaided or minority institution also ;
- (j) "Qualifying Examination" means an examination, the passing of which enables a student to get admission to various courses of study in private health sciences educational institutions ;
- (k) "sanctioned intake" means the total number of seats, sanctioned and notified by the State Government in the Official Gazette for admitting students in each course of study in a private health sciences educational institution ;
- (l) "State Government" means the Government of State of Punjab in the Department of Medical Education and Research ; and
- (m) "Unaided Institution" means a private health sciences educational institution, not being an aided institution.

3. (1) The State Government shall regulate admission, fix fee and make reservation for different categories in admissions to private health sciences educational institutions.

Regulation of admission, fixation of fee and making of reservation.

(2) For the purpose of determining the fee, the State Government may require any private health sciences educational institution to furnish such information, as it may deem appropriate.

(3) The State Government shall ensure that admission under the management category in a private health sciences educational institution is made in a fair and transparent manner on the basis of the *inter se* merit determined by the Common Entrance Test through the centralised receipt of applications and centralised counselling as per procedure, notified by the State Government in the Official Gazette.

4. (1) The eligibility criteria for admission to a private health sciences educational institution shall be such, as may be determined and notified by the State Government from time to time.

Eligibility criteria for admission.

(2) The State Government or any other authority, authorised by it, shall conduct the Common Entrance Test for making admissions to all the private health sciences educational institutions in the State of Punjab.

(3) Admission to all the categories of seats in private health sciences educational institutions, except in the case of Foreign Indian Students, shall be made on the basis of the *inter se* merit of the candidates obtained in the Common Entrance Test.

5. (1) An aided minority private health sciences educational institution may reserve for itself, up to the maximum of thirty three per cent seats of the total sanctioned intake as a management category quota of seats.

Allocation of seats.

(2) An aided private health sciences educational institution, other than a minority institution, may reserve up to the maximum of fifteen per cent seats of the total sanctioned intake as a management category quota of seats.

(3) An unaided minority private health sciences educational institution may reserve, not more than fifty per cent seats of the total sanctioned intake as a management category quota of seats.

(4) An unaided private health sciences educational institution, other than a minority institution, may reserve up to fifty per cent seats of the total sanctioned intake as a management category quota of seats.

(5) In the case of admission of Foreign Indian Students,—

(a) a private health sciences educational institution may admit such students against such number of seats, as may be notified by the State Government :

Provided that the total number of seats for the Foreign Indian Students, shall not exceed fifteen per cent of the total sanctioned intake of the management category ;

(b) while making admission, first preference shall be given to the Foreign Indian Students, who have ancestral background of the State of Punjab ;

(c) admission shall be made against the seats, notified as management category ;

(d) admission shall be made on the basis of centralised receipt of applications, by making centralised counselling of such students in a fair and transparent manner in accordance with the *inter se* merit, determined on the basis of Qualifying Examination or its equivalent, as may be notified by the State Government.

(6) For filling up the minority category seats, the criteria and procedure for making admission to management category seats, shall be *ipso facto* followed, except that the candidates belonging to the concerned minority community, shall be given preference over the candidates of other communities in admission against the seats meant for the minority community only.

Reservation of seats.

6. All private health sciences educational institutions shall reserve seats for admission in open merit category and management category, for advancement of socially and educationally backward classes of citizens or for the Scheduled Castes or Scheduled Tribes to such extent, as may be notified by the State Government in the Official Gazette from time to time :

Provided that such reservation shall not apply to the minority category seats in minority private health sciences educational institutions.

Fixation of Fee.

7. (1) The State Government shall determine fee, to be charged by a private health sciences educational institution, located in the State, having regard to the following factors, namely :—

(a) the location of the institution ;

(b) the nature of the curriculum ;

(c) the cost of land and building ;

(d) the available infrastructure and equipment ;

(e) the expenditure incurred or being incurred on faculty, administration and maintenance ;

- (f) the reasonable profit, required for the growth and development of the institution ; and
- (g) any other relevant factor, which the State Government deems just and appropriate for the determination of fee.

(2) Before determining fee under sub-section (1), the State Government shall give the concerned private health sciences educational institutions and the representatives of the students already studying in such institutions and the representatives of the students, who intend to seek admission in those institutions, a reasonable opportunity to express their view points in writing with respect to the fee determination.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may in public interest, determine a provisional fee :

Provided that the State Government shall fix fee in accordance with the provisions of sub-section (1) and sub-section (2) within a period of ninety days from the fixation of such provisional fee.

8. (1) The State Government shall, by notification in the Official Gazette, appoint a nodal officer, not below the rank of a Joint Secretary to the State Government for entertaining complaints with regard to the violations of the provisions of this Act or any notification issued thereunder.

Mechanism for dealing with violations.

(2) The State Government may also take a *suo moto* notice of the violation of the provisions of this Act or any notification issued thereunder.

(3) The State Government may cause an enquiry to be made into the allegations levelled by the complainant or at its *suo moto* initiative and take the following actions, namely :—

- (a) file the complaint, if in its opinion, it is a vexatious, anonymous or pseudonymous complaint ; or
- (b) direct the complainant to furnish additional information or an affidavit in support of his allegations ; or
- (c) take such actions, as it may deem appropriate, keeping in view the facts and circumstances of the case.

(4) For conducting an enquiry under sub-section (3), a summary procedure shall be followed and the enquiry shall be completed within a period of sixty days.

(5) The nodal officer shall have the powers of a civil court to access, obtain and scrutinize the records of the private health sciences educational institutions as well as summoning of any person or any relevant official record, which he may deem necessary.

Penalties.

9. (1) The State Government may, if it is satisfied that a private health sciences educational institution has violated any provisions of this Act or any notification issued thereunder, it may take any or all of the following actions, namely:—

- (a) cause the withdrawal of affiliation or recognition of such institution from the university or any other authority or body to which such institution is affiliated to be made;
- (b) impose a fine on such institution, which may extend to fifteen times of the excess fee charged and such a fine shall be recovered as arrear of land revenue;
- (c) direct such institution to cancel the admission or registration of a student, who has been admitted to such institution in violation of the provisions of this Act or the notification issued thereunder; or
- (d) direct such institution to admit any student to whom admission has been wrongly denied.

(2) Before taking any action under sub-section (1), a reasonable opportunity of being heard shall be provided to such institution by the State Government.

Powers of the State Government to issue directions.

10. The State Government may, from time to time, issue to the private health sciences educational institutions such directions, as in its opinion, are necessary or expedient for carrying out the purposes of this Act and the notifications issued thereunder and such institutions shall comply with the directions so issued.

Power to remove difficulties.

11. (1) If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section, shall be laid, as soon as may be, after it is made, before the Punjab State Legislature.

Protection of actions taken in good faith.

12. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or employee of the State Government or any other person or authority, authorised by the State Government for anything, which is done or intended to be done in good faith under this Act or the notification issued thereunder.

H. S. BHALLA,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.