



Date: 02.12.2014

NOTIFICATION

Implementation of The Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 (Act 8 of 2006)

The Government of Karnataka legislated the Act under reference and brought it into force w.e.f. 25th April 2006. However, the provisions of the said Act were kept in abeyance from 2006-07 to 2014-15 continuously.

Further, as per its Notification No. ED 146 TEC 2014 dtd. 22.11.2014, the Government of Karnataka has decided to implement the said Act from the year 2015-16 onwards. Accordingly, the admissions and fee of Professional Educational Institutions in the State of Karnataka hitherto regulated by a consensual arrangement, would be regulated hereafter as per the provisions of the Act No. 8 of 2006. To this effect, the Government have also constituted an 'Admission Overseeing Committee' and a 'Fee Regulatory Committee' by appointing two Hon'ble retired Judges of the High Court.

In the circumstances, it is hereby informed to all the candidates / prospective candidates that they should note the provisions of Act 8 of 2006 (herein available on the COMEDK website) and apply for entrance test of Post Graduate courses in Medical and Dental to be held on first February 2015 (01-02-2015) as well as the COMEDK UGET – 2015 to be held on 10th May 2015.

The provisions of the Act 8 of 2006 shall be applicable as of date to all the entrance tests proposed to be held by COMEDK.

Sd/-
Chief Executive, COMEDK

GOVERNMENT OF KARNATAKA

No. ED 146 TEC 2014

Karnataka Government Secretariat,
M.S.Building, Bangalore.
Dt. 22.11.2014

NOTIFICATION

The Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 (Act No.8 of 2006) was brought into force w.e.f. 25.04.2006 vide Notification No. ED 26 TEC 2006 (Part-2).

The above mentioned Act was kept in abeyance by Act No.13 of 2006 for the year 2006-07 and subsequently the Act No.8 of 2006 was kept in abeyance every year till 2013-14 by Act No.28 of 2007, Act No.23 of 2011. Act No. 23 of 2012 and Act No.50 of 2013 and admissions to professional courses were made in terms of consensual agreements entered into every year between the private managements and the Government from 2006-07 to 2014-15.

Government had decided to implement the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006, (Act No. 8 of 2006) from the year 2015-16 onwards. Hence, the admission and fee of professional educational institutions in the state of Karnataka shall be regulated as per the provisions of the Act No.8 of 2006 from the year 2015-16. Accordingly further necessary actions shall be taken for implementation of the provisions of the said Act immediately.

By order and in the name of the
Governor of Karnataka



(B.NAGABHUSHAN)

Under Secretary to Government
Education Department
(Technical Education)

To

The Compiler, Karnataka Gazette, Bangalore to publish in the gazette to supply 200 copies to Government.

- 1) The Chairman, All India Council for Technical Education.
Chanderlok Building, Janpath, New Delhi-110 001.
- 2) Chairman, Medical Council of India, New Delhi.
- 3) Chairman, Dental Council of India, New Delhi.
- 4) Chairman, Ayush Council of India, New Delhi.
- 5) Principal Secretary to Hon'b'e Chief Minister
- 6) The Principal Secretary to Government, Law Department.
- 7) Principal Secretary to Government, Department of Parliamentary Affairs and Legislation.
- 8) The Principal Secretary to Government, Health and Family Welfare Department.
- 9) The Secretary to Government, Health and Family Welfare Department (Medical Education).
- 10) The Vice Chancellor, Visveswaraya Technological University, Belgaum.

Karnataka Act No. 8 of 2006

**THE KARNATAKA PROFESSIONAL EDUCATIONAL INSTITUTIONS (REGULATION
OF ADMISSION AND DETERMINATION OF FEE) ACT, 2006**

Arrangement Sections

Sections:

1. Short title and commencement
2. Definitions
3. State Common Entrance Test Committee
4. Method of admission in unaided professional educational institutions
5. Admission Overseeing Committee
6. Fee Regulatory Committee
7. Factors for Determination of Fee
8. Eligibility
9. Allocation and reservation of seats
10. Invalidation of admissions made in violation of the Act
11. Fund of the State Common Entrance Test Committee
12. Grants by the State Government
13. Power to borrow
14. Accounts and audit
15. Budget of the Committee
16. Report
17. Protection of action taken in good faith
18. Power of State Government to issue directions
19. Penalties
20. Power to enter and inspect
21. Act to override other laws
22. Power to remove difficulties
23. Power to make rules
24. Transitory provisions

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to provide for regulation of admission and determination of fee in professional educational institutions in the State of Karnataka and

to provide for reservation of seats to persons belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes in professional educational institutions.

The Hon'ble Supreme Court in its judgement in Islamic Academy of Education and others Vs State of Karnataka, reported in (2003) 6 SCC 697, sought to regulate admissions to professional courses through two committees, one for overseeing admissions and the other for approving the fee structure in professional educational institutions, pending enactment of appropriate law by the Parliament.

The Supreme Court in P.A.Inamdar and Others Vs State of Maharashtra reported in (2005) 6 SCC 537 has held that where there is more than one minority or non minority institution or similarly situated institution in the State imparting education in any one discipline then a single common entrance test followed by centralised counseling, or in other words, single window system of admission is necessary in order to achieve the twin objectives of transparency and merit. All institutions of the same or similar type, whether minority or non minority institutions will therefore be required to fill their seats through a single common entrance test followed by centralised counseling.

Further the Apex Court in the same judgement has held that the State can regulate admission by providing a centralized and single window procedure which will ensure fair and merit based admissions and prevent maladministration. If the admission procedure followed by the private institutions fails to satisfy all or any of the triple tests prescribed by the Court, the admission procedure can be taken over by the State substituting its own procedure. It is also pointed out that minority institutions will lose their minority character if there is more than a "sprinkling" of students from non-minority communities in these institutions. The Apex Court has also clarified that the minority students should be from within the State. Taking this into consideration the Bill provides for sixty six percent of reservation in minority institutions for students from that community within the State.

Whereas the population of the Scheduled Castes, Scheduled Tribes and Other Backward Classes exceeds fifty percent of the total population in the State. The Hon'ble Supreme Court in Indirasawhany Vs. Union of India reported in AIR 1993 SC 477 has held that the reservations made for all categories shall not exceed fifty percent. Keeping this in mind the State Government has issued orders providing reservation for the Scheduled Castes, the Scheduled Tribes and Other Backward Classes to the extent of fifty percent under article 15(4) of the Constitution.

Article 15 (5) of the Constitution (as inserted by the Constitution (Ninety-third Amendment) Act, 2005 provided for making any special provision by law by the State Government for advancement of any socially and educationally backward classes of citizen or for the Scheduled Castes or the Scheduled Tribes in relation to admission to education institution including private educational institutions whether aided or unaided, other than minority educational institutions notwithstanding anything contained in article 15 and sub-clause (g) of article 19 of the Constitution.

Based on the above policy it is considered necessary to provide for reservation for the Scheduled Castes, the Scheduled Tribes and Other Backward Classes who are socially and educationally backward to the extent of fifty percent in Government, aided and unaided non-minority professional educational institutions.

Hence the Bill.

[L.A. Bill No. 1 of 2006]

Karnataka Act No. 8 of 2006

(First published in the Karnataka Gazette Extra-ordinary on the twenty fifth day of April, 2006)

THE KARNATAKA PROFESSIONAL EDUCATIONAL INSTITUTIONS (REGULATION OF ADMISSION AND DETERMINATION OF FEE) ACT, 2006

(Received the assent of the Governor on the twenty fourth day of April, 2006)

An Act to provide for regulation of admission and determination of fee in professional educational institutions in the State of Karnataka and to provide for reservation of seats to persons belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes in the seats in professional educational institutions.

Whereas the Hon'ble Supreme Court in its judgement in Islamic Academy of Education and others Vs State of Karnataka, reported in (2003) 6 SCC 697, sought to regulate admissions to professional courses through two committees, one for overseeing admissions and the other for approving the fee structure in professional educational institutions, pending enactment of appropriate law by the Parliament.

And whereas the Supreme Court in P.A. Inamdar and Others Vs State of Maharashtra reported in (2005) 6 SCC 537 has held that where there is more than one minority or non minority institution or similarly situated institution in the State imparting education in any one discipline then a single common entrance test followed by centralised counseling, or in other words, single window system of admission is necessary in order to achieve the twin objectives of transparency and merit. All institutions of the same or similar type, whether minority or non minority institutions will therefore be required to fill their seats through a single common entrance test followed by centralised counseling.

Further the Apex Court in the same judgement has held that the State can regulate admission by providing a centralized and single window procedure which will ensure fair and merit based admissions and prevent maladministration. If the admission procedure followed by the private institutions fails to satisfy all or any of the triple tests prescribed by the Court, the admission procedure can be taken over by the State substituting its own procedure.

And whereas, in the Constitution (Ninety-third Amendment) Act, 2005, a provision has been made under article 15(5) as follows:-

"(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or

unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30."

In order to achieve the above object and for the purposes hereinafter appearing it is considered necessary and expedient to provide for the following:

Be it enacted by the Karnataka State Legislature in the fifty-seventh year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006.

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

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

- (a) "Admission" means admission made at the admission centre;
- (b) "Admission Centre" means the centre at which selection and allotment of seats to the candidates to various courses in professional institutions are made through the Common Entrance Test based on merit.
- (c) "Admission Overseeing Committee" means the committee constituted by the State Government under section 5 for regulating the admissions in private unaided professional educational institutions;
- (d) "Aided institution" means a private professional educational institution receiving financial aid or grant-in-aid from the State Government and includes minority and non-minority educational institutions receiving such financial aid or grant;
- (e) "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;
- (f) "Common Entrance Test Cell" means the agency of the State Government which conducts the common entrance test;
- (g) "Fee Regulatory Committee" means the Committee constituted under section 6 for determination and regulation of fee for admission to private unaided professional educational institutions;
- (h) "Government" means the State Government;
- (i) "Government seats" means all the seats in Government colleges, university constituent colleges, such number of the seats in Private Aided Professional Educational Institutions as may be notified by State Government and such

number of the seats in unaided minority and non-minority professional educational institutions as may be notified by the State Government in accordance with the consensus arrived at between the private professional educational institutions and the State Government;

- (j) "General Category Seats" means the seats other than the reserved seats;
- (k) "Intake" means and implies the total number of seats sanctioned by the competent authority for admitting students in each course of study in a professional educational institution;
- (l) "Minority" means and includes religious and linguistic minority as may be notified by the State Government;
- (m) "Minority educational institution" means the education institutions recognized or notified as such by the State Government subject to such conditions as may be prescribed;
- (n) "Non-resident Indian" means a candidate born to a parent of Indian origin and residing outside the country and who has passed the qualifying equivalent examination outside India;
- (o) "Other Backward Classes" means class or classes of citizens who are socially and educationally backward as may be notified by the State Government;
- (p) "Professional Educational Courses" means,-
 - (I) In Medical and Dental Institutions, the first year of,-
 - (i) Bachelor of Medicine and Bachelor of Surgery and
 - (ii) Bachelor of Dental Surgery
 - (II) In the Indian Systems of Medicine and Homoeopathy Institutions, the first year of,-
 - (i) Bachelor of Ayurvedic Medicine and Surgery
 - (ii) Bachelor of Unani Medicine and Surgery
 - (iii) Bachelor of Naturopathy and Yoga and
 - (iv) Bachelor of Homoeopathic Medicine and Surgery
 - (III) In Engineering Institutions, the first year, first semester and in respect of diploma holders, the second year, third semester (in the case of Architecture course first year, first Semester) of both full-time and part-time courses in,-
 - (i) Bachelor of Engineering
 - (ii) Bachelor of Technology; and

(iii) Bachelor of Architecture

and includes any other professional educational courses at undergraduate and postgraduate levels as well as super speciality courses as may be notified by the State Government in this behalf;

- (q) "Professional Educational Institution" means college or school or an institute by whatever name called imparting professional education or conducting professional educational courses leading to the award of a degree, diploma or a certificate by whatever name called, approved or recognized by the competent statutory body and affiliated to an university;
- (r) "Qualifying examination" means the examination as may be prescribed;
- (s) "Reserved seats" means the seats reserved in Government colleges, constituent colleges of universities, private aided and unaided professional educational institutions in favour of persons belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes as may be notified by the State Government;
- (t) "State Common Entrance Test Committee" means the Committee constituted under section 3 which conducts the common entrance test and makes admissions to the Government seats in professional colleges; and
- (u) "Unaided institution" means any privately managed professional educational institution, which is not receiving aid or grant-in-aid from the State Government.

(2) The words and expressions used but not defined shall have the same meaning assigned to them as in the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) and in any other law for the time being in force.

3. State Common Entrance Test Committee.- (1) There shall be a State Common Entrance Test Committee consisting of,-

- (a) Vice Chancellor of either Rajiv Gandhi University of Health Sciences or Vishveshwaraiah Technological University, nominated by the State Government : Chairperson
- (b) Director of Medical Education : Member
- (c) Director of Technical Education : Member
- (d) Director of Indian Systems of Medicine and Homoeopathy : Member
- (e) Three persons to be nominated by the Chairperson from among the Principals

of aided or unaided colleges: : Members

(i) One from medical colleges

(ii) One from dental colleges

(iii) One from engineering colleges

(f) Special Officer, Common Entrance Test Cell : Member-Secretary

Provided that, in case all private unaided Professional Educational Institutions agree and opt to fill all of their seats except the seats reserved for non-resident Indian students through State Common Entrance Test Cell, then the State Government may, by notification, re-constitute the State Common Entrance Test Committee consisting of such number of members, as it deems fit, including representatives from the management of private unaided Professional Educational institutions imparting education in Medical, Dental, Engineering and other faculties.

(2) The Committee shall conduct a Common Entrance Test for admission of students to the Government seats in professional educational institutions. For the purpose of ensuring this the State Government shall provide such number of officers and officials to the State Common Entrance Test Committee as may be required.

(3) The Chairperson shall preside over the meeting and the committee shall adopt such procedure as it deem fit.

(4) The Committee shall have such powers and shall discharge such functions and conduct the examination in such manner as may be prescribed.

(5) Subject to the pleasure of the authority competent to nominate, the nominated members of the Committee shall hold office for the period of two years from the date of their nomination. In case of any vacancy arising earlier for any reason, such vacancy shall be filled in the manner specified above for the remainder of the term. The non-official members shall be eligible to draw such rate of sitting fee and Traveling Allowance as may be prescribed.

(6) Admission to every Government seat shall be made on the basis of merit secured in the Common Entrance Test conducted by the State Common Entrance Test Committee followed by centralised counseling subject to the reservation policy of the State.

4. Method of admission in unaided professional educational institutions.-

Association of all unaided professional educational institutions whether minority or non-minority imparting professional education in any one discipline shall make admission through a single common entrance test conducted on all India basis at State level and followed by centralized counseling through a single window in accordance with such procedure as may be specified by the Admission Overseeing Committee under section 5 or admission in such institutions may at the option of the Association of unaided

Professional Educational Institutions be done through the State Common Entrance Test Cell.

5. Admission Overseeing Committee.- (1) There shall be a Admission Overseeing Committee consisting of,-

- (a) a retired Judge of High Court of Karnataka
nominated by the Chief Justice of the
High Court of Karnataka - Chairperson
- (b) Vice-Chancellor of either the Rajiv Gandhi
University of Health Sciences or the Vishveshwaraiah
Technological University, as the case may be
depending on the course of study - Member
- (c) a person of repute in the concerned field of education
nominated by the Chairperson - Member
- (d) a person nominated by the Chairperson who
shall be a Doctor or Engineer of eminence
as the case may be
(depending on the course of study) - Member
- (e) the Secretary to Government in charge of
Medical or Higher Education as the case may be
(depending on the course of study) - Member Secretary

(2) No person who is associated with any private aided or unaided professional educational institution shall be eligible for being a member of the Admission Overseeing Committee.

(3) Subject to the pleasure of the authority competent to nominate, the term of the office of the nominated members shall be for the period of two years from the date of their nomination and in the case of vacancy arising earlier, for any reason, such vacancy shall be filled in the same manner specified above for the remainder of the term. The non-official members shall be eligible to draw such rate of sitting fee and Traveling Allowance as may be prescribed.

(4) No act or proceeding of the Admission Overseeing Committee shall be deemed to be invalid by the reason merely of any vacancy in, or any defect in the constitution of the committee.

(5) A member of the Admission Overseeing Committee shall cease to be so, if he performs any act which in the opinion of the State Government is unbecoming of a member of the committee:

Provided that no such member shall be removed from the committee without giving him an opportunity of being heard.

(6) The Chairman shall preside over the meeting of the Admission Overseeing Committee and the Committee may adopt its own procedure as it deems fit.

(7) The Admission Overseeing Committee shall specify the standards and procedure to be followed by the Association of unaided Private Professional Educational Institutions while conducting the common entrance test and shall oversee and supervise the common entrance test. The Admission Overseeing Committee shall also supervise and oversee the centralised counseling and the admissions made by the Association of unaided Private Professional Educational Institutions in order to ensure that it is conducted in a fair, transparent and non-exploitative manner. For the purpose of ensuring this the State Government shall provide such number of officers and officials to the Admission Overseeing Committee as may be required.

(8) The Admission Overseeing Committee may also hear complaints with regard to admission in contravention of the procedure laid down by the Admission Overseeing Committee. If the Admission Overseeing Committee after obtaining the evidence and explanation from the management concerned comes to the conclusion that there have been contraventions of the procedure prescribed for admission or lapses on the part of the unaided colleges, it shall make appropriate recommendation to the State Government and the State Government may direct the concerned university to levy and collect a fine of up to Rs.10 lakhs in case of each contravention or any other course of action as it may deems fit. It shall be lawful for the university to levy such fine. The Admission Overseeing Committee may also declare admissions to be de-hors merit and therefore invalid and in such case the concerned university shall not permit such candidates to appear for the examination. The university shall not approve all or any of the admissions made to such institutions in contravention of the provisions of this Act.

(9) The Admission Overseeing Committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall, for the purpose of making any inquiry under this Act, have all the powers of a civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witness.

(10) The Admission Overseeing Committee may, if it is satisfied that any institution has violated any of the provisions of this Act, recommend to the appropriate university or statutory body for withdrawal of the affiliation or recognition of such institution or for any other course of action as it deems fit.

(11) The Admission Overseeing Committee or any officer authorised by it shall have power to inspect at any stage of the process of admission conducted by the Association of unaided Private Professional Educational Institutions. Whenever on such inspection, the Admission Overseeing Committee arrives at the opinion that the admission process conducted by the Association of unaided Private Professional Educational Institutions is unfair, non-transparent and exploitative or contravening of the procedure specified by the Admission Overseeing Committee, it may after giving an opportunity of hearing declare such process as unfair or non-transparent or exploitative and therefore invalid.

(12) On such declaration under sub-section (11), the admission process for private unaided institutions shall be conducted by the State Common Entrance Test Committee for the same applicants. The expenditure incurred by the State Common Entrance Test Committee in this regard shall be recovered from the Association during the allotment of seats through counseling or as an arrears of land revenue.

6. Fee Regulatory Committee.- (1) There shall be a Committee called the Fee Regulatory Committee for determination of the fee for admission to the professional educational courses in private unaided institutions consisting of,-

- (a) a retired Judge of High Court of Karnataka
nominated by the Chief Justice of the
High Court of Karnataka - Chairperson
- (b) a representative of either the Medical Council
of India or the All India Council for Technical
Education, as the case may be depending on the
course of study - Member
- (c) a person of repute nominated
by the Chairperson - Member
- (d) a Chartered Accountant of repute
nominated by the Chairperson - Member
- (e) the Secretaries to Government in charge of
Medical or Higher Education, as the case may be
depending on the course of study - Member Secretary

(2) The Fee Regulatory Committee shall have power to,-

- (i) require each professional educational institution to place before the Committee the proposed fee structure of such institution with all relevant documents and books of accounts for scrutiny well in advance of the commencement of the academic year i.e., not later than 31st December of the previous academic year;

- (ii) verify whether the fee proposed by each institution is justified and it does not amount to profiteering or charging of capitation fee;
- (iii) approve the fee structure or determine some other fee which can be charged by the institution.

(3) The Fee Regulatory Committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall, for the purpose of making any inquiry under this Act, have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witness.

(4) The fee determined by the Committee shall be binding on the professional educational institution for a period of three years. At the end of the said period the institution would be at liberty to apply for revision. The fee so determined shall be applicable to a candidate who is admitted to an institution in that academic year and shall not be revised till the completion of his course in the said college. No professional educational institution shall collect a fee amounting to more than one year's fee from a candidate. Collecting of more than one year's fee shall be construed as collecting of capitation fee and shall be liable for penalty under the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984).

(5) No person who is associated with any private aided or unaided professional educational institution shall be eligible for being a member of the Fee Regulatory Committee.

(6) Subject to the pleasure of the authority competent to nominate, the term of the office of the nominated members shall be for the period of two years from the date of their nomination and in the case of vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder of the term. The non-official members shall be eligible to draw such rate of sitting fee and Traveling Allowance as may be prescribed.

(7) No act or proceeding of the Fee Regulatory Committee shall be deemed to be invalid by the reason merely of any vacancy in, or any defect in the constitution of the committee.

(8) A member of the Fee Regulatory Committee shall cease to be so if he performs any act which in the opinion of the State Government is unbecoming of a member of the committee:

Provided that no such member shall be removed from the committee without giving him an opportunity of being heard.

(9) The Chairman shall preside over the meeting of the Fee Regulatory Committee and the Committee may adopt its own procedure as it deems fit.

7. Factors for Determination of Fee.- (1) The Fee Regulatory Committee shall determine the fee or fees to be charged by a private aided or unaided professional educational institution affiliated to an University taking into consideration the factors, such as,-

- (a) the location of the professional educational institution;
- (b) the nature of professional course;
- (c) the available infrastructure;
- (d) the expenditure on administration and maintenance;
- (e) a reasonable surplus required for the growth and development of the institution
- (f) any other factors as the Committee may deem fit.

(2) No professional educational institution shall collect any fee by whatever name or form called from the candidate for admission to professional educational courses over and above the fee determined by the Fee Regulatory Committee and the fee prescribed by the university concerned.

(3) The Fee Regulatory Committee may determine different fees in respect of different courses of professional education being offered at different institutions depending upon the facilities available and for this purpose it may place similarly placed institutions in broad groups:

Provided that the Fee Regulatory Committee may allow a professional educational institution to collect a higher rate of fee from the Non-Resident Indian student for admission. The State Government may prescribe the minimum fee to be collected from the non-resident Indian student and the higher fee so collected over and above the fee determined for other students in that institution shall be utilized for providing concession in fee to candidates belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes.

(4) Any complaint of collecting of capitation fee or fee in excess of the fee determined or profiteering by any institution shall be inquired into by the Fee Regulatory Committee which shall, after obtaining the evidence and the explanation of the management concerned, forward appropriate recommendations to the concerned university or the State Government for necessary action. On such recommendation, the State Government may direct the concerned university to levy and collect a fine upto rupees ten lakhs on the management of such professional educational institution and it

shall be lawful for the university to levy such fine. The university shall not approve all or any of the admissions made to such institutions in contravention of the provisions of this Act or may withdraw recognition or affiliation to such institution under intimation to the State Government:

8. Eligibility.- No candidate shall be admitted to a professional educational institution unless the candidate possesses such educational or equivalent qualification as may be prescribed.

9. Allocation and reservation of seats.- Out of the total intake of seats in a professional educational institution,-

- (i) (a) in an aided institution, all Government seats shall be filled through the State Common Entrance Test Committee in accordance with section 3(6) subject to the reservation policy of the State Government; and
- (b) the remaining seats shall be general seats.
- (ii) (a) in an unaided non-minority institution fifty percent of the seats shall be reserved for candidates belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes from the State as notified by the State Government; and
- (b) the remaining seats shall be general category seats. Out of the general category seats upto fifteen percent may be filled by candidates belonging to the Non-Resident Indian quota:

Provided that where the seats reserved for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in an unaided non minority institution are left unfilled due to non-availability of the candidates, or where students of reserved categories leave after they select the seats, the same shall be filled by the candidates belonging to the same category out of the merit list of the Common Entrance Test conducted by the State Common Entrance Test Committee:

Provided further that if seats are remain unfilled even thereafter, such unfilled seats shall be filled from the student belonging to general merit on the basis of merit through the Common Entrance Test conducted by the association of Unaided Private Professional Educational Institutions.

- (iii) (a) In an unaided minority professional educational institution, not less than sixty six percent of the seats shall be filled by minority students from within the State belonging to the minority community to which the institution belongs on the basis of interse merit in the merit list of the Common Entrance Test of the Association of Private Professional educational institutions; and

- (b) the remaining seats shall be the general category seats. Out of the general category seats, upto fifteen percent may be filled by candidates belonging to the Non Resident Indian quota:

Provided that if any seats earmarked for the minority category in unaided institutions remain unfilled or where the students leave after selection of seat the same shall be filled by minority students of the same categories out of the merit list of the Common Entrance Test conducted by the State Common Entrance Test Committee:

Provided further that if seats are remain unfilled even thereafter, such unfilled seats shall be filled from the student belonging to general merit on the basis of merit through the Common Entrance Test conducted by the association of Unaided Private Professional Educational Institutions.

(iv) Admission to all seats in a private unaided professional educational institutions including reserved or general category seats but excluding the seats which may be filled by Non-resident Indian candidates, shall be made on the basis of merit by following the procedure of Common Entrance test followed by centralized counseling conducted in the manner as specified by the Admission Overseeing Committee.

10. Invalidation of admissions made in violation of the Act.- Any admission made in violation of the provisions of this Act or the rules made there under shall be invalid.

11. Fund of the State Common Entrance Test Committee.- (1) There shall be a fund of the State Common Entrance Test Committee (hereinafter referred to as the Committee) called the Committee fund.

(2) The following shall form part or be paid into the Committee fund, namely:-

- (i) fee collected by the Committee for the purpose of conducting Common Entrance Test;
- (ii) grants made by the State Government;
- (iii) amount barrowed by the Committee;
- (iv) all other sums received by or on behalf of the Committee from any source whatsoever.

(3) Except or otherwise as directed by the State Government all money credited to the fund shall be invested in any Scheduled Bank.

12. Grants by the State Government.- The State Government may make grants to the Committee equivalent to such sums as it deem fit.

13. Power to borrow.- The committee may from time to time with the previous sanction of the State Government and subject to such conditions as may be prescribed in this behalf borrow any sum required for the purpose of this Act.

14. Accounts and audit.- (1) Accounts of the income and expenditure of the Committee fund shall be kept in accordance with such rules as may be prescribed.

(2) The Committee shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The accounts of the Committee shall be audited annually by such Auditor as the State Government may appoint.

(4) The Auditor shall for the purpose of the audit have access to all the accounts and other records of the Committee.

(5) The Committee shall pay from its fund such charges for the audit as may be prescribed.

(6) As soon as may be after the receipt of report of the auditor the Committee shall send a copy of the annual statement of accounts together with a copy of the report of the Auditor to the State Government and shall cause to be published the Annual Statement of Accounts in such manner as may be prescribed.

(7) The State Government may after perusal of the report of the Auditor give such directions as it thinks fit to the Committee and the Committee shall comply with such directions.

15. Budget of the Committee.- The Committee shall prepare every year before such date and in such form as may be prescribed a Budget estimate of its income and expenditure for the financial year to commence on the 1st day of April next following year and shall forward it to the State Government.

16. Report.- The Committee shall before such date, in such form and at such interval as may be prescribed submit the prescribed report to the State Government and the State Government shall cause a copy of such report to be laid before both Houses of the State Legislature.

17. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything done in good faith or intended to be done under this Act.

18. Power of State Government to issue directions.- (1) The State Government may give such directions to any professional educational institution as in its opinion are necessary or expedient for carrying out the purposes of this Act or to give effect to any of the provisions contained therein or of any rules or orders made thereunder and the Governing Council or the management, as the case may be, of such institution shall comply with every such direction.

(2) The State Government may also give such directions to the officers or authorities under its control as in its opinion are necessary or expedient for carrying out

the purposes of this Act, and it shall be the duty of such officer or authority to comply with such directions.

19. Penalties.- (1) Whoever contravenes the provisions of this Act or the rules made thereunder shall on conviction be punishable with fine which may extend to ten lakhs rupees.

(2) A penalty under this section may be imposed without prejudice to the penalty specified in any other Act.

20. Power to enter and inspect.- Any officer not below the rank of Group 'B' officer authorized by the State Government in this behalf, shall, subject to such conditions as may be specified therein under the Karnataka Educational institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) shall be deemed to be the Officer authorized to exercise the same powers and discharge the same functions as provided under section 9 of that Act for the purpose of this Act.

21. Act to override other laws.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

22. 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 to be necessary or expedient 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.

23. Power to make rules.- (1) The Government may, after previous publication, by notification, in the official Gazette make rules prospectively or retrospectively for carrying out the purposes of this Act.

(2) Rules made under sub-section (1) may also provide for a fine which may extend to rupees ten lakhs as penalty for any of the contraventions made thereof. Every rule made under this Act shall have effect as if enacted in this Act.

(3) 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.

24. Transitory provisions.- Any rule, notification or appointment, made or issued under the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) providing for or relating to any of the matters for the

furtherance of which this Act is enacted, before the commencement of this Act and in force on the date of commencement of this Act to the extent they are not inconsistent with the provisions of this Act, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Act unless and until superseded by anything done or any action taken or any rule, notification or appointment made under this Act.

The above translation of **ಪ್ರೇರಣೆಗೆ ಪೂರೈಸುವಂತೆ ಸರ್ಕಾರದ (ಸಾರ್ವಜನಿಕ ಸೇವಾ ಸಂಸ್ಥೆಗಳಲ್ಲಿ) ಉದ್ಯೋಗದ ಸೌಕರ್ಯ, 2006** (2006 ಗೆ ಪ್ರೇರಣೆಗೆ ಪೂರೈಸುವಂತೆ ಸರ್ಕಾರದ ಸೇವೆ 8) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

T.N. Chaturvedi
Governor of Karnataka

By Order and in the name of the Governor of Karnataka

G.K. Boregowda
Secretary to Government,
Department of Parliamentary Affairs and Legislation