

**Karnataka Professional Educational Institutions (Regulation
Of Admission And Determination Of Fee) (Amendment) Act,
2015**

39 OF 2015

CONTENTS

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 3
4. Substitution of section 4
5. Insertion of new sections 4A and 4B
6. Amendment of section 5
7. Amendment of section 7
8. Amendment of section 11
9. Amendment of section 19

**Karnataka Professional Educational Institutions (Regulation
Of Admission And Determination Of Fee) (Amendment) Act,
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An Act to amend the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006.

Whereas, it is expedient to amend the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 (Karnataka Act 8 of 2006), to provide for,-

(1) a legal frame work which is acceptable by majority of the Professional Educational Institutions and to empower the State Government to enter into consensual agreement with association of non-minority or minority private unaided professional educational institutions; to protect the interest of merit students of the State and the institutions through consensual agreement by providing a quota of Government seats in Private Educational Institutions to be filled by Common Entrance Test Committee constituted by the State; and to see that no student selected through Common Entrance Test Committee is over charged or the interest of

Karnataka Student is protected by providing concessions and scholarship while entering into consensual agreement with private educational institutions; and

(2) Guidelines to the Fee Regulatory Committee to fix the fee appropriately at affordable rate as mandated by Supreme Court, so that viability of situation is maintained and no student is over charged.

Now therefore, be it enacted by the Karnataka State Legislature in the sixty-sixth 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) (Amendment) Act, 2015.

(2) It shall come into force at once.

2. Amendment of section 2 :-

In section 2 of the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 (Karnataka Act 8 of 2006) (hereinafter referred to as the principal Act),-

(a) for clause (a), the following shall be substituted, namely:-

"(a) "Admission" means admission made to Professional Educational Courses at Admission Centre through Common Entrance Test based on merit."

(b) in clause (c), after the words "admissions in private", the words "aided or" shall be inserted.

(c) for clause (f), the following shall be substituted, namely:-

"(f) "Common Entrance Test Cell or Committee" means the agency of the State Government constituted under section 3 which conducts the Common Entrance Test".

(d) after clause (f), the following shall be inserted, namely:-

"(ff) "deemed University institutions" means the institutions of Professional Educational courses established or maintained by deemed Universities located in the State of Karnataka."

(e) for clause (i), the following shall be substituted, namely:-

"(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 the State Government and such number of the seats in unaided minority and non-minority professional educational

institutions and seats in private universities and deemed universities as may be notified by the State Government in accordance with the consensus arrived at between the private professional educational institutions, private universities, deemed universities and the State Government;"

(f) after clause (j), the following shall be inserted, namely:-

"(jj) "Institutional seats" means the seats other than Government seats filled by Private unaided Professional Educational Institutions through common entrance test conducted by association of non-minority or minority Private unaided Professional Educational Institutions."

(g) after clause (k), the following shall be inserted, namely:-

"(kk) "Karnataka Student" means persons who have studied in such educational institutions in the State of Karnataka run or recognized by the Government and for such number of years as may be prescribed."

3. Amendment of section 3 :-

In section 3 of the principal Act,-

(a) in sub-section (1) ,-

(i) for clause (a) the following shall be substituted, namely:-

"(a) The Principal Secretary to Government, Department of Higher Education - Chairperson

(a 1) The Secretary to Government, Department of Medical Education - Co-Chairperson

(a2) Vice Chancellor of either Rajiv Gandhi University of Health Sciences or Vishveshwaraiah Technological University, nominated by the State Government. - Member

(ii) in clause (e), for the word "Chairperson", the words "State Government" shall be substituted.

(b) after sub-section (5), the following shall be inserted, namely:-

"(5A) Any vacancy in the Constitution of the Committee shall not invalidate the proceedings of the Committee."

4. Substitution of section 4 :-

For section 4 of the principal Act, the following shall be substituted, namely:-

"4. Method of Admission in unaided professional educational institutions.- Association of all unaided professional educational institutions whether minority or nonminority imparting professional education in any one discipline shall make admission through

Common Entrance Test:

Provided that any unaided professional educational institution or deemed university institutions, which would like to make admission for seats other than Government seats through Common Entrance Test Committee, may also exercise their option to join and to make admission through Common Entrance Test Committee in the order of merit and through counseling."

5. Insertion of new sections 4A and 4B :-

After section 4 of the principal Act, the following shall be inserted, namely:-

"4A. Method of admission in case of consensual agreement.-

(1) Notwithstanding anything contained in this Act, in case if the State Government and the association of unaided professional educational institutions whether minority or non-minority agree to enter into a consensual arrangement or agreement with regard to sharing of seats and fixation of fee in respect of such seats in said unaided professional educational institutions, in such year, the admission to such number of seats as agreed upon by the State Government and the private professional educational institutions, shall be done by the common entrance test committee as Government seats in accordance with such rules as may be prescribed by the Government regarding selection of candidates for admission to Government seats in Professional Educational institutions and reservation policy of the State including reservation under Article 371J. The remaining seats shall be filled through the Common Entrance Test conducted by the association of private professional educational institutions or association of religious and linguistic minority institutions on the basis of merit followed by centralised counselling, in a fair, transparent and non-exploitative manner as per the consensual agreement subject to such rules as may be prescribed. Subject to the consensual arrangement or agreement the State Government may, by notification, publish the seat matrix to be filled by the State common entrance test committee and the association of private unaided professional educational institutions in the manner as specified below, namely:-

(A) Out of the total intake of Under-graduate Medical or Dental seats, in an unaided non-minority professional educational institutions:-

(i) not less than forty percent of the seats in case of Medical seats and not less than thirty five percent of the seats in case of Dental

seats shall be filled up through Common Entrance Test conducted by State Common Entrance Test Committee;

(ii) not more than forty percent of the seats in case of Medical seats and not more than Forty five percent of the seats in case of Dental seats shall be filled up by the merit list of Common Entrance Test conducted by the Association of non-minority unaided Professional Educational Institutions;

(iii) not more than twenty percent of the seats shall be filled up by NonResident Indians/Management quota candidates;

(B) Out of the total intake of Post-graduate Medical/Dental seats, in an unaided nonminority professional educational institutions, across the pre-clinical, para-clinical and clinical disciplines which shall be done by rotation of disciplines every year in the following manner, namely:-

(i) not less than thirty-three percent of the seats shall be filled up through Common Entrance Test conducted by State Common Entrance Test Committee;

(ii) not more than forty-two percent of the seats shall be filled up by the merit list of Common Entrance Test conducted by the Association of non-minority unaided Professional Educational Institutions; and

(iii) not more than twenty-five percent of the seats shall be filled up by NonResident Indians/Management quota candidates.

(C) Out of the total intake of Under-graduate Medical/Dental seats, in an unaided minority educational institutions:-

(i) not less than twenty-five percent of the seats shall be filled up through Common Entrance Test conducted by State Common Entrance Test Committee;

(ii) not more than fifty-five percent of the seats shall be filled up by the merit list of Common Entrance Test conducted by the Association of minority unaided Professional Educational Institutions; and

(iii) not more than twenty percent of the seats shall be filled up by NonResident Indians/Management quota candidates.

(D) Out of the total intake of Post-graduate Medical/Dental seats, in an unaided minority educational institutions, across the pre-clinical, para-clinical and clinical disciplines which shall be by rotation of disciplines every year:-

(i) not less than twenty percent of the seats shall be filled up through Common Entrance Test conducted by State Common Entrance Test Committee;

(ii) not more than sixty percent of the seats shall be filled up by

the merit list of Common Entrance Test conducted by the Association of minority unaided Professional Educational Institutions; and

(iii) not more than twenty percent of the seats shall be filled up by NonResident Indians/Management quota candidates.

(E) Out of the total intake of under-graduate engineering in unaided non-minority professional educational institutions,-

(i) not less than forty-five percent of the seats shall be filled up through Common Entrance Test conducted by State Common Entrance Test Committee;

(ii) not more than thirty percent of the seats shall be filled up by the merit list of Common Entrance Test conducted by the Association of nonminority unaided Professional Educational Institutions; and

(iii) not more than twenty-five percent of the seats shall be filled up by NonResident Indians/Management quota candidates.

(F) Out of the total intake of under-graduate engineering in unaided minority professional educational institutions,-

(i) Not less than forty percent of the seats shall be filled up through Common Entrance Test conducted by the State Government;

(ii) not more than thirty percent of the seats shall be filled up by the merit list of Common Entrance Test conducted by the Association of minority unaided Professional Educational Institutions; and

(iii) not more than thirty percent of the seats shall be filled up by Non-Resident Indians/Management quota candidates.

Provided that, in case of minority unaided professional educational institutions while filling institutional seats under clause (C), (D) and (F) not less than sixty-six percent of the seats shall be filled by minority students within the State belonging to minority to which the institution belong of the interse merit in the merit list of common entrance test.

(2) Notwithstanding anything contained in this Act, in case of the State Government entering into consensual agreement under sub-section (2), the fee for admission to Government seats and in private unaided professional educational institutional seats shall be at such rate with such concessions or Scholarship by the Institutions as agreed upon by such institutions and the Government in the Consensual Agreement.

Provided that the State Government and individual institution can also enter into consensual agreement with mutually acceptable conditions.

Provided further that any consensual agreement that has entered into between the State Government and the Association of private professional educational institutions and any notification issued or any consequential action taken by the State Government for the Academic Year 2015-16 before the commencement of the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) (Amendment) Act, 2015 shall be deemed to be valid and effective as if they have been done or taken by the State Government in accordance with this Act.

4B. Method of Admission in Deemed University Institutions.-

(1) In case Deemed University institution fails to follow UGC Regulations in making admission to Professional Education Courses, the Deemed University institutions shall constitute an association for conduct of Common Entrance Test for admission to their seats and such Deemed University Institutions shall make admission through Common Entrance Test for their Professional Educational Courses: Provided that when there is no association of Deemed University Institutions, the deemed university institutions may opt to fill up other than Government seats, if any, through Common Entrance Test Committee or through association of un-aided Professional Educational Institutions. In case deemed university institution is a minority institution, it may opt to join the association of minority educational institutions or it may opt to fill up seats through Common Entrance Test Committee.

(2) The deemed university non-minority or minority Institutions, as the case may be, which do not follow UGC guidelines shall fill up such number of seats in their institution through Common Entrance Test Committee and Common Entrance Test conducted by association as may be notified by the State Government.

(3) If Deemed University Institutions follow the UGC Regulations but agrees to consensual agreement with the State Government subject to such consensual agreement the seat sharing formula shall be not less than 25 percent of the total intake both in Undergraduate and Post-graduate Medical Course to be filled up through Common Entrance Test Committee conducted by the State Government at such rate of fee with such concession and scholarship by such Institutions as may be agreed upon in the Consensual Agreement and not more than 25 percent of the total intake to be filled up by Non-Resident Indians/Management Quota by following merit by the institutions concerned. The remaining 50 % shall be the Institutional seats to be filled up through Entrance Examination conducted by the Deemed University

Institutions (as currently followed)."

6. Amendment of section 5 :-

In section 5 of the principal Act,-

(i) in sub-section (7), after the words "association of unaided private professional educational institutions" occurring in two places, the words "non-minority or minority as the case may be " shall be inserted.

(ii) in sub-section (11), after the words "association of unaided private professional educational institutions" occurring in two places, the words "non-minority or minority as the case may be " shall be inserted.

(iii) after sub-section (11), the following proviso shall be inserted, namely:- "Provided that Government, on receiving complaints or on investigation by any other agency, if it is of the opinion that association of private professional educational Institutions or any individual Institution is making admissions in violation of triple test of fairness Transparency and nonexploitation and it appears prima facie to be true, may by notification, declare that the procedure followed by association of private Educational Institutions or such individual institution is unfair, nontransparent or exploitative and therefore invalid and may direct that all seats of such association or individual institution shall be filled through Common Entrance Test Committee in a transparent manner, under close supervision having representatives of the association of the private professional educational institutions, private universities, or deemed universities, as the case may be: Provided further that no such declaration shall be made without giving prior notice to such association or institution."

7. Amendment of section 7 :-

In section 7 of the Principal Act,-

(a) in sub-section (1), in clause (e), the words "not more than eight percent" shall be inserted at the end;

(b) in sub-section (4), after the words "upto rupees ten lakhs", the words "or the double the amount collected over and above the fee fixed by the Government whichever is higher" shall be inserted.

(c) after sub-section (4), the following shall be inserted, namely:-

"(5) No private unaided educational institution shall,-

(a) transfer funds accumulated out of the fee so collected, to its sister institutions;

(b) transfer immovable property constructed out of the fee so collected without prior permission of the State Government.

(6) Every professional private educational institution shall submit its annual statement of accounts and statement of assets and liabilities to the prescribed authority duly audited by the chartered accountant every year."

8. Amendment of section 11 :-

In section 11 of the principal Act, in sub-section (2), in clause (iii), for the word "barrowed", the word "borrowed" shall be substituted.

9. Amendment of section 19 :-

In section 19 of the Principal Act, in sub-section (2), for the words "under this section", the words "under this Act" shall be substituted.