

**Karnataka Selection Of Candidates For Admission To
Medical, Dental And Engineering Courses (Special
Provisions) Act, 2004**

24 Of 2004

[30 July 2004]

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An Act to make special provisions for the selection of candidates and admission to professional institutions in the State. Whereas it is expedient to provide for selection of candidates for admission to professional institutions in the State and for matters incidental thereto and connected therewith, in the light of principles laid down by the Constitution Bench in the TMAPai's case and subsequent pronouncements. Be it enacted by the Karnataka State Legislature in the fifty-fifth year of Republic of India, as follows:-

1. Short Title, Commencement And Application :-

(1) This Act may be called the Karnataka Selection of Candidates for Admission to Medical, Dental and Engineering Courses (Special Provisions) Act, 2004.

(2) It shall come into force at once.

(3) This Act shall apply to selection of candidates for admission to Professional Institutions for the Academic year 2004-05.

2. Definitions :-

The words and expressions used in this Act 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 the Karnataka Selection of Candidates for Admission to Professional Institutions Rules, 2004.

3. The Sharing Of Seats In Respect Of Government Seats And Management Seats :-

Having regard to the local needs and notwithstanding anything contained in any law for the time being in force or in any judgement decree or order of any Court or authority, the sharing of seats between the Government and Managements in respect of private aided, un-aided minority and non-minority professional institutions shall be as follows, namely:-

(a) Aided Professional Institutions;

(i) Government seats Ninety-five percent.

(ii) Management seats Five percent.

(b) Un-aided Non-minority Professional Institutions,

(i) Government seats Seventy five percent.

(ii) Management seats Twenty five percent.

(c) Un-aided Minority Professional Institutions.

(i) Government seats Fifty percent.

(ii) Management seats Fifty percent.

The figures in the superscript above the brackets, this Act indicate the Sl. No. of the Act and year mentioned at the end of the Act.

4. Management Seats Shall Be Filled On Merit :-

The Management seats in non-minority institutions and minority institutions shall be filled on the basis of merit through a Common

Entrance Test conducted by the State CET Cell or by Association of Private Professional Colleges. Associations of minority institutions, religious or linguistic may conduct their own Common Entrance Test. The Overseeing Committee shall supervise and ensure that the common entrance tests conducted by the Associations are done in a fair and transparent manner.

5. Reservation Applicable To Government Seats :-

The reservation of seats shall apply to all seats in Government quota in accordance with rule 14 of the Karnataka Selection of Candidates for Admission to Professional Institutions Rules, 2004.

6. Fee Fixed For Professional Course For The Academic Year 2004-05 :-

The fee payable for the different professional courses in both Government quota and Management quota for the academic year 2004-05 shall not exceed the fee fixed by the Fee Determination Committee. This includes the tentative fee fixed for engineering courses.

7. Invalidation Of Admissions Made In Violation Of The Act :-

All admissions made in violation of the provisions of this Act for the academic year 2004-05, whether made before or after the commencement of this Act, shall be invalid.

8. Penalties :-

Whoever contravenes the provisions of this Act or the provisions of the Karnataka Selection of Candidates for Admission to Professional Institutions Rules, 2004 shall on conviction and without prejudice to any penalty specified in any other Act or Rules shall be punishable with fine which may extend to five lakh rupees.

9. Cognizance Of Offences :-

No court shall take cognizance of any offence under this Act except on a complaint made in writing by an Officer authorized by the Government by notification published in this behalf in the official Gazette.

10. 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.

11. Removal Of Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government may by general or special order, do anything not inconsistent with the provisions of this Act for removing the difficulty.

12. Power To Make Rules :-

(1) The Government may, by notification in the official Gazette, make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the provisions of this Act.

(2) Every Order made under section 10 and every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature if it is in session and if it is not in session in the session immediately following 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 expiration of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the order or rule or in the annulment of the order or rule, the order or rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.

13. Applicability Of Karnataka Selection Of Candidates For Admission To Professional Institutions Rules, 2004 :-

In respect of any matter not covered under this Act, the provisions contained in the Karnataka Selection of Candidates for Admission to Professional Institutions Rules, 2004 shall apply.