

**Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh  
Ka Viniyaman Avam Shulk Ka Nirdharan) Sanshodhan  
Adhiniyam, 2013**

**32 of 2013**

**[12 September 2013]**

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**Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh  
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An Act to amend the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007.

Be it enacted by the Madhya Pradesh Legislature in the Sixty-fourth Year of the Republic of India as follows :--

\* Published in M.P. Rajpatra (Asadharan) dated 12-9-2013 Pages 836(2-3).

**1. Short title and commencement :-**

(1) This Act may be called the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Sanshodhan Adhiniyam, 2013.

(2) It shall come into force from the date of its publication in the official Gazette.

## **2. Amendment of Section 2 :-**

In section 2 of the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 21 of 2007) (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, namely :--

"(b) the private unaided professional educational institutions affiliated to a university established under the Central Act or incorporated by an Act of State Legislature and their constituent institutions."

## **3. Amendment of Section 3 :-**

In section 3 of the principal Act, for clause (n), the following clause shall be substituted, namely :--

(n) "Professional educational institution" means a college or a school or a department or an institution by whatever name called, imparting professional education approved or recognized by an appropriate authority and which is affiliated to or is a constituent unit of a University established or incorporated by an Act of the State Legislature or a deemed to be university under section 3 of the University Grants Commission Act, 1956 (3 of 1956)..

## **4. Amendment of Section 4 :-**

In section 4 of the principal Act, for-section (9), the following sub-section shall be substituted, namely :--

"(9) (a) The Committee either on receipt of a complaint or suo motu may enquire into admission made in contravention of the provisions contained hereunder or collection of fee in excess of the fee determined under the provisions of the Act, or realization of capitation fee or profiteering by any private unaided professional educational institution.

(b) The Committee may cause an inspection of the institution for the purpose of making enquiry under clause (a):

Provided that the Committee may take cognizance of any inspection report prepared by the concerned department at the behest of the State Government of the concerned University or the

appropriate authority.

(c) If as a result of the enquiry the Committee finds that there has been any violation by such institution of the provisions of the Act or rules and regulations made thereunder regarding admission or fees, it may take one or more of the following actions against such institution :--

(i) impose a fine up to ten lac rupees on the institution together with interest thereon at the rate of 12 percent per annum which may be recovered as if an arrear of land revenue;

(ii) declare any admission made in contravention of the provisions of the Act invalid; whereupon the institution shall forthwith cancel the admission of such candidate and the concerned university shall cancel the enrolment of such student and cancel his results of any examination in which the candidate has already appeared;

(iii) order the institution to refund to a student within such time as specified in the order, any amount received by it in excess of the fees fixed by the Committee or any amount received by way or capitation fee or any amount received for profiteering :

Provided that if the institution fails to refund the amount within the specified time to the student, the same shall be recoverable along with interest thereon at the rate of 12 percent per annum as an arrear of land revenue and paid to the student;

(iv) order the institution to stop admission or reduce the sanctioned intake in any professional course for such period as it may deem fit;

(v) recommend to the university or the appropriate authority to withdraw the recognition of the institution;

(vi) any other course of action, as it deems fit."

## **5. Amendment of Section 10 :-**

For section 10 the Principal Act, the following section shall be substituted, namely :--

"10. Appeal.--

(1) The State Government shall appoint for not more than three years at a time, an appellate authority, consisting of a person, who has been a judge of the High Court, or a person who has held office not below the rank of the Chief Secretary of a State, before which a person or a professional institution aggrieved by an order of the Committee may file an appeal, within a period of 30 days of passing of such an order.

(2) While hearing an appeal the Appellate Authority after calling for the records from the Committee and after giving an opportunity of hearing to both the appellant and the Committee shall decide the appeal and the decision made in the appeal shall be final.".