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मध्यप्रदेश राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 310]

भोपाल, बुधवार, दिनांक 10 जुलाई 2013—आषाढ़ 19, शक 1935

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 10 जुलाई 2013

क्र. 5452-192-इक्कीस-अ (प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश निजी शिक्षण संस्था (प्रवेश का विनियमन एवं शुल्क का निर्धारण) संशोधन विधेयक, 2013 (क्रमांक 15 सन् 2013) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL

No. 15 OF 2013

THE MADHYA PRADESH NIJI VYAVSAYIK SHIKSHAN SANSTHA (PRAVESH KA VINIYAMAN AVAM SHULK KA NIRDHARAN) SANSHODHAN VIDHEYAK, 2013

A Bill 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:

Short title and commencement.

1. (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.

Amendment of section 2.

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 clauses shall be substituted, namely:—

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

Amendment of section 3.

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 an 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);”.

Amendment of section 4.

4. In section 4 of the principal Act, for sub-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 or 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 of 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. For Section 10 of the Principal Act, the following section shall be substituted, namely:—

Amendment of section 10. Appeal.

- “10. (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.”.

STATEMENT OF OBJECTS AND REASONS

The Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Vinnyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 21 of 2007) was enacted to provide for regulation of admission and fixation of fee in un-aided private professional educational institutions in the State of Madhya Pradesh and to provide reservation of seats belonging to students of Scheduled Castes, Scheduled Tribes and Other Backward Classes categories.

2. WHEREAS, Admission and Fee Regulatory Committee have been given powers to hear complaint with regard to admissions made in contravention of the provisions of the Act, therefore it is felt that the Committee needs more explicit powers and range of actions against the defaulting institutions.

3. WHEREAS, the Act provides for appointment of an appellate authority for a period of one year, it is felt that the appointment of appellate authority should be in consonance with the appointment of Chairman of the Committee, whose duration of appointment is for 3 years.

4. The Bill seeks to achieve the aforesaid objectives.

5. Hence this Bill.

Bhopal :
Dated the 6th July 2013.

LAXMIKANT SHARMA
Member-in-charge.