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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
And Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th March, 2008 is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2008.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 7th March, 2008).

AN ACT

to make special provision for regulation of admission in the professional medical educational colleges or institutions in the State and fixation of fees in such colleges or institutions and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007. Short title and commencement.

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

- Definitions. 2. In this Act, unless the context otherwise requires,-
- (a) "Admission Committee" means the Admission Committee constituted in accordance with the provisions of section 4;
 - (b) "aided college or institution" means a professional educational college or institution, including the University, run or managed by the trust, society or association of persons or organization, receiving financial aid or grant-in-aid from the State Government or the Central Government;
 - (c) "Common Entrance Test" means the entrance test conducted for determination of merits of the candidates for the purpose of admission in the different professional courses;
 - (d) "Fee Regulatory Committee" means the Fee Regulatory Committee constituted under section 9;
 - (e) "Government college or institution" means a professional educational college or institution run and managed by the State Government;
 - (f) "Government" means the Government of Gujarat;
 - (g) "Government seats" means, -
 - (i) all the seats of the professional courses in the Government colleges or institutions and in the aided colleges or institutions; and
 - (ii) seventy-five per cent. seats of the professional courses of the total approved seats in the unaided colleges or institutions;
 - (h) "Management seats" means twenty-five per cent. seats of the professional courses of the total approved seats in the unaided colleges or institutions including fifteen per cent. Non-Resident Indian seats;
 - (i) "Non-Resident Indian seats" means fifteen per cent. seats reserved for children or wards or the dependents for the education purpose, of the Non-Resident Indian, to whom admission is to be given in the professional educational colleges or institutions;
 - (j) "prescribed" means prescribed by the rules made under this Act;

- (k) "professional courses" means the courses conducted in any of the following disciplines, namely:-
- (i) Medicine, Dentistry, Ayurveda, Homeopathy, Physiotherapy and Nursing, and
- (ii) such other courses as the State Government may, by notification in the *Official Gazette*, declare;
- (l) "Professional Educational College or Institution" means a college or an institution including the University imparting professional courses by whatever name called, leading to the award of a degree or diploma approved or recognised by the competent statutory authority;
- (m) "Unaided college or institution" means a professional educational college or institution including the University not receiving the financial aid or grant-in-aid from the State Government or the Central Government;
- (n) "University" means a University established under any law made by the Legislature of the State.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any judgment, decree or order of any court or authority or in any agreement, all the admissions to the professional courses in the professional educational colleges or institutions shall be made in accordance with the provisions of this Act. **Admission in professional educational colleges or institutions.**

(2) Any admission made in contravention of the provisions of this Act shall be invalid.

4. (1) The State Government shall, for the purpose of admission of students to the professional educational colleges and institutions, constitute one or more Admission Committees consisting of such number of members as may be prescribed. Different Committees may be constituted for the different professional courses. **Constitution of Admission Committee.**

(2) The term of office and other conditions of the members of the Committee shall be such as may be prescribed.

(3) The Admission Committee shall guide, supervise and control the entire process of admission of students to the professional educational colleges or institutions.

Preparation of merit list for admission.

5. (1) For the purpose of admission in the professional courses, each Admission Committee shall prepare the merit list of students based on such criteria and in such ratio as may be prescribed.

(2) For the purpose of preparing the merit list of students for admission under sub-section (1), the authority or the body authorised by the State Government in this behalf, shall conduct the common entrance test in the manner as may be prescribed:

Provided that it shall not be necessary to conduct common entrance test for preparing merit list for the admission to such professional course as may be prescribed.

Admission to Government seats and management seats.

6. The admission of students in the professional educational colleges or institutions shall be given in the following manner, namely, :-

- (i) all the Government seats shall be filled on the basis of merit list prepared by the Admission Committee; and
- (ii) the management seats to be filled by the management of the respective professional educational college or institution shall be on the basis of *inter-se* merit list of the students to be admitted against the management seats :

Provided that no student shall be admitted against the management seat unless his name appears in the merit list prepared by the Admission Committee:

Provided further that where any Non-Resident Indian seat remains vacant, such seat shall be filled in from the management seats:

Provided also that where any management seat remains vacant, such seat shall be filled in from the Government seats.

Minimum qualifying standard for admission.

7. No student shall be admitted in the professional course unless he fulfills the eligibility criteria including the minimum qualifying marks, as may be prescribed.

Reservation in admission.

8. The admission against the Government seats in each course in each professional educational college or institution shall be made in accordance with the reservation policy of the State Government.

Constitution of Fee Regulatory Committee.

9. (1) The State Government shall, for the purpose of determining the fees for admission of students in the professional colleges or institutions, constitute a Fee Regulatory Committee consisting of the following members, namely :-

- (i) a retired judge of the High Court nominated by the State Government, who shall be the Chairperson;
- (ii) ex-Vice-Chancellor of a University, to be nominated by the State Government;
- (iii) the Commissioner of Health, Medical Services, Medical Education and Research, Gujarat State, or an officer of Health and Family Welfare Department holding equivalent post, to be nominated by the State Government *ex-officio*, who shall be the Member-Secretary of the Committee;
- (iv) one member representing unaided professional educational colleges or institutions, to be nominated by the State Government; and
- (v) a Chartered Accountant, to be nominated by the State Government.

(2) The term of office and other conditions of the members of the Committee shall be such as may be prescribed.

(3) The Fee Regulatory Committee may adopt its own procedure for the conduct of its business.

10. (1) Notwithstanding anything contained in any other law for the time being in force or in any judgment, decree or order of any court or authority or in any agreement, the Fee Regulatory Committee shall determine the fee structure for admission of students in the professional courses. Different fee structure may be determined for admission of students in different professional courses and for different professional educational colleges or institutions.

Powers of Fee
Regulatory
Committee.

- (2) The Fee Regulatory Committee shall have power to, -
- (a) require any unaided professional educational college or institution to place before it the proposed fee structure for such college or institution alongwith all the relevant documents and the books of accounts;
 - (b) verify whether the fee structure proposed by such college or institution is justified;
 - (c) approve the fee structure for such college or institution or determine other fee structure which shall be charged by such college or institution for admission of students in the professional courses.