

Twelfth Kerala Legislative Assembly

Bill No. 307

**THE KERALA PROFESSIONAL COLLEGES OR INSTITUTIONS
(PROHIBITION OF CAPITATION FEE, REGULATION OF
ADMISSION, FIXATION OF NON-EXPLOITATIVE FEE
AND OTHER MEASURES TO ENSURE EQUITY AND
EXCELLENCE IN PROFESSIONAL EDUCATION)
AMENDMENT BILL, 2010**

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further to amend the Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence in Professional Education) Act, 2006.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence in Professional Education) Act, 2006, for the purposes hereinafter appearing;

BE it enacted in the Sixty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence in Professional Education) Amendment Act, 2010.

(2) It shall come into force at once.

2. *Amendment of section 4.*— After sub-section (8) of section 4 of the Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence in Professional Education) Act, 2006 (19 of 2006), the following sub-sections shall be inserted, namely:—

“(8A) The Admission Supervisory Committee may, in respect of the matters with which it has power to make recommendation or declaration under sub-section (7) or recommendation under sub-section (8), before making such

recommendation or declaration, pass such orders or directions as it may deem just and proper for the purpose of doing justice in the matters before it, if immediate remedial measures are required.

(8B) The Admission Supervisory Committee may, if it is satisfied that there is non-compliance of any of its order or direction made under provisions of sub-section (8A), refer the matter to the Government or to the University, alongwith the recommendation or declaration, as the case may be, as provided under sub-section (7) or sub-section (8).”

STATEMENT OF OBJECTS AND REASONS

The Admission Supervisory Committee constituted under section 4 of the Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative fee and Other Measures to Ensure Equity and Excellence in Professional Education) Act, 2006 (19 of 2006) has been entrusted with the power to supervise and guide the entire process of Admission of students to unaided Professional Colleges or Institutions with a view to ensure that the process is fair, transparent, merit based and non-exploitative. As a necessary corollary to the power, where there is any violation of the provision for admission the Committee has been given the power under sub-section (7) of section 4 of the Act to make appropriate recommendation to the Government/the University, and declare an admission invalid if it *de-hors* merit. So also under sub-section (8) thereof where there is violation of any of the provisions of the Act, the Committee can make recommendation to the University or statutory body for withdrawal of affiliation or recognition of the college or institution concerned. However, there is no provision in the Act empowering the Committee to pass appropriate directions or orders in respect of a matter with which it has power to make recommendation or declaration. In the absence of such a power, the power of supervision already conferred upon the Committee under sub-section (7) and (8) of section 4 would be an empty formality. The Government has, therefore, decided to amend the Act to empower the Committee to pass appropriate orders or directions on matters with respect to which it has power to make recommendations or declaration.

2. The Bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

M. A. BABY

EXTRACT FROM THE KERALA PROFESSIONAL COLLEGES OR
INSTITUTIONS (PROHIBITION OF CAPITATION FEE,
REGULATION OF ADMISSION, FIXATION OF NON-
EXPLOITATIVE FEE AND OTHER MEASURES
TO ENSURE EQUITY AND EXCELLENCE
IN PROFESSIONAL EDUCATION)
ACT, 2006

(19 OF 2006)

** ** ** * *

4. *Admission Supervisory Committee.*—(1) ** ** * *

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(7) The Admission Supervisory Committee may hear complaints with regard to admission in contravention of the provisions contained herein. If the Admission Supervisory Committee after enquiry finds that there has been any violation of the provisions for admission on the part of the unaided professional colleges or institutions, it shall make appropriate recommendation to the Government for imposing a fine upto rupees ten lakhs and the Government may on receipt of such recommendation, fix the fine and collect the same in the case of each such violation or any other course of action as it deems fit and the amount so fixed together with interest thereon shall be recovered as if it were an arrear of public revenue due on land. The Admission Supervisory Committee may also declare admission made in respect of any or all seats in a particular college or institution to be *de-hors* merit and therefore invalid and communicate the same to the concerned University. On the receipt of such communication, the University shall debar such candidates from appearing for any further examination and cancel the results of examinations already appeared for.

(8) The Admission Supervisory Committee may if satisfied that any unaided professional college or institutions has violated any of the provisions of this Act, recommend to the University or statutory body for withdrawal of the affiliation or recognition of such college or institution or any other course of action it deems fit.

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