

BABA FARID UNIVERSITY OF HEALTH SCIENCES, FARIDKOT
PUNJAB GOVT GAZ. (EXTRA.), OCTOBER 11, 2006
(ASVINA 19, 1928 SAKA)

PART I
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB
Notification

The 11th October, 2006

No. 35-Leg./2006.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 10th October, 2006, and is hereby published for general information:-

**THE PUNJAB PRIVATE HEALTH SCIENCES EDUCATIONAL
INSTITUTIONS (REGULATION OF ADMISSION, FIXATION OF FEE
AND MAKING OF RESERVATION)
AMENDMENT ACT, 2006**

(Punjab Act No. 24 of 2006)

AN

ACT

further to amend the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006.

BE it enacted by the Legislature of the State of Punjab in the Fifty-seventh Year of the Republic of India as follows:-

1.(1) This Act may be called the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Amendment Act, 2006.

Short title and commencement.

(2) It shall come into force at once.

2. In the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Act, 2006 (hereinafter referred to as the principal Act), in section 2,-

Amendment of section 2 of Punjab Act 6 of 2006

(i) after clause (b), the following clause shall be inserted, namely:-

"(bb) "Council" means a professional council pertaining to any health sciences discipline, constituted under any State Act or Central Act;" and

(ii) for clause (e), the following clause shall be substituted, namely:-

"(e) "Management Category" means a category comprising such seats out of the sanctioned intake of a private health sciences educational institution, as may be allocated to the management of such institution by the State Government by notification in the Official Gazette, for filling up those seats by that institution in a fair and transparent manner on the basis of the *inter-se* merit, determined by a Common Entrance Test or Qualifying Examination, in the presence of the representative of the authority conducting the Common Entrance Test;"

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3. In the principal Act, in section 3, for sub-section (3), the following sections shall be substituted, namely:-

Amendment of section
3 of Punjab Act 6 of
2006

"(3) The State Government shall ensure that admission in a private health sciences educational institutions is made in a fair and transparent manner on the basis of the inter-se merit, determined by the Common Entrance Test or Qualifying Examination, as the case may be, in accordance with the procedure, notified by the State Government in the Official Gazette:

Provided that the State Government may, by notification in the Official Gazette, exclude the diploma or certificate courses, offered by the private health sciences educational institutions from the purview of this sub-section.

(4) Notwithstanding anything contained in sub-section (3), the State Government may, exempt minority institutions from the purview of that sub-section.

(5) Consequent upon the exemption granted under sub-section (4), a common authority of the respective minority institutions, shall conduct a separate test in a fair, transparent and non-exploitive manner for admission of students in minority institutions in accordance with the merit, determined by the said authority.

(6) In case, it is found that the aforesaid separate test has not been conducted in a fair, transparent and non exploitive manner, the State Government shall have the power to cancel the same and direct the concerned authority to re-conduct the test ."

4. In the principal Act, in section 4, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:-

Amendment of section
4 of Punjab Act 6 of
2006

"(2) The State Government or any other authority, authorized by it, shall conduct the Common Entrance Test for making admissions to all private health sciences educational institutions in the State of Punjab, except for those, which are specifically exempted from such test.

(3) Admission in all private health sciences educational institutions, except in those, which are specifically exempted under this Act, and in the case of Foreign Indian Students, shall be made on the basis of the *inter-se* merit of the candidates, determined in accordance with the Common Entrance Test ."

5. In the principal Act, in section 5,--

- (i) sub-section (3) shall be omitted;
(ii) for sub-section (5), the following sub-section shall be substituted, namely:-

Amendment of section
5 of Punjab Act 6 of
2006

(5) In the case of admission of Foreign Indian Students,--

- (a) a private health sciences educational institution may admit such students in undergraduate courses against

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such number of seats and such courses as may be notified by the State Government, after recording reasons therefor in writing:

Provided that the total number of seats for the Foreign Indian Students shall not exceed fifteen percent of the total sanctioned intake;

- (b) admission shall be made, against the seats, notified as management category; and
 - (c) admission shall be made as per the procedure, notified by the State Government in a fair and transparent manner in the presence of the representative of the University to which it is affiliated, in accordance with the *inter-se* merit, determined on the basis of the Qualifying Examination or its equivalent as may be notified by the State Government"; and
- (iii) sub-section (6) shall be omitted.

6. In the principal Act, for sections 7 and 8, the following sections substituted, namely:-

Amendment of section 7 and 8 of Punjab Act 6 of 2006

"7. (1) The State Government shall determine or cause to be determined the fee to be charged by the private health sciences educational institutions, having regard to the minimum norms of infrastructure and facilities as laid down by the concerned Council.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, in public interest, determine a provisional fee:

Provided that the State Government shall determine fee in accordance with the provisions of sub-section (1) within a period of ninety days from the date of fixation of such provisional fee.

8. (1) The State Government shall, by notification in the Official Gazette, constitute an authority to be known as nodal authority consisting of such members, as may be specified by it for entertaining complaints with regard to the violations of the provisions of this Act or any direction or notification issued thereunder:

Provided that the State Government may, by notification, fix the terms and conditions of appointment, qualifications and conditions of service of the members of the nodal authority.

(2) The State Government or the nodal authority, as the case may be, may also take *suo motu* notice of the violations of the provisions of this Act or any direction or notification issued thereunder.

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- (3) The State Government or the nodal authority, as the case may be, may cause an enquiry to be made by appointing an Inquiry Officer into the allegations levelled by the complainant or at its *suo motu* initiative and take the following actions, namely:-
- (a) file the complaint, if in its opinion, it is a vexatious, anonymous or pseudonymous complaint ; or
 - (b) direct the complainant to furnish additional information or an affidavit in support of his allegations; or
 - (c) take such actions, as it may deem appropriate, keeping in view the facts and circumstances of the case.
- (4) For making an enquiry under sub-section (3), a summary procedure shall be followed and the enquiry shall be completed within a period of sixty days.
- (4) The nodal authority constituted under sub-section (1) or the Inquiry Officer, appointed under sub-section (3), shall have the powers of a civil court to access, obtain the scrutinize the records of the private health sciences educational institutions as well as summoning of any person or any relevant official record, which he may deem necessary. The nodal authority shall forward its report to the State Government and may recommend any of the actions as mentioned in sub- section (1) of section 9 of this Act. "

7. In the principal Act, in section 9, for sub-section (1), the following action shall be substituted, namely:-

Amendment of section
9 of Punjab Act 6 of
2006

- " (1) The State Government may, *suo motu* or on the report of the nodal authority, if satisfied that a private health sciences educational institution has violated any of the provisions of this Act or any direction or notification issued thereunder, it may take any or all of the following actions, namely:-
- (a) direct the private health sciences educational institution to redress the grievance of the concerned party;
 - (b) cause the withdrawal of affiliation or recognition of such private health sciences educational institution from the concerned university or council or any other authority or body to which such private health sciences educational institution from the concerned university or council or any other authority or body to which such private health sciences educational institution is affiliated, to be made;

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- (c) impose fine on such private health sciences educational institution, and such a fine shall be recoverable as arrears of land revenue;
 - (d) direct the private health sciences educational institution to cancel the admission or direct the concerned university or council to cancel the registration of the student, who has been admitted to private health sciences educational institution in violation of the provisions of this Act or any direction or notification issued thereunder; or
 - (e) direct the private health sciences educational institution to admit any student to whom admission has been wrongly denied ."
- 8. (1)** The Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Making of Reservation) Amendment Ordinance, 2006 (Punjab Ordinance No. 3 of 2006), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinances referred to in subsection (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

MOHINDER PAL,
Secretary to Government of Punjab,
Department of legal and Legislative Affairs