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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

**THE GUJARAT PROFESSIONAL TECHNICAL
EDUCATIONAL COLLEGES OR INSTITUTIONS
(REGULATION OF ADMISSION AND FIXATION OF FEES)
(AMENDMENT) BILL, 2019.**

GUJARAT BILL NO. 36 OF 2019.

A BILL

*further to amend the Gujarat Professional Technical Educational
Colleges or Institutions (Regulation of Admission and Fixation of
Fees) Act, 2007.*

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

1. (1) This Act may be called the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Act, 2019.

**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.

**Amendment
of section 2 of
Guj. 2 of 2008.**

2. In the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (hereinafter referred to as "the principal Act"), in section 2,-

**Guj. 2 of
2008.**

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

“(dd) Foreign National (FN) Student” means the student other than Non-Resident Indian (NRI) who possesses a foreign passport and fulfils the equivalency of eligibility requirements ascertained by the competent authority as may be specified by the Ministry of Human Resource Development, Government of India, for admission;”;

(ii) in clause (g), for sub-clause (ii), the following sub-clause shall be substituted, namely:-

“(ii) fifty per cent. (50%) seats of the professional courses of the total approved seats in the unaided colleges or institutions;”;

(iii) after clause (g), the following clause shall be inserted, namely:-

“(gg) “GTERS or the Gujarat Technical Education and Research Society (GTERS)” means a society constituted by the Education Department, Government of Gujarat under the Government Resolution No. MIS/102013/104/S. dated the 31st December 2013;”;

(iv) for clause (h), the following clause shall be substituted, namely:-

“(h) Management seats" means fifty per cent. (50%) seats of the professional courses of the total approved seats in the unaided colleges or institutions including fifteen per cent. (15%) of Non-Resident Indian seats; and also includes seats for Foreign National Students; and students from any State (including Gujarat);”;

(v) in clause (i), for the words “in the professional educational colleges or institutions”, the words “on the management seats in the unaided educational colleges or institutions on the basis of fulfillment of equivalency of eligibility requirements for admission as ascertained by the competent authority as may be specified by the Ministry of Human Resource Development, Government of India.” shall be substituted.

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

“(3) The Gujarat Technical Education and Research Society (GTERS) shall guide, supervise, promote and control the entire process of admission of students to the professional educational colleges or institutions.”.

4. In the principal Act, for section 5, the following section shall be substituted, namely:-

**Preparation
of merit list
for
admission.**

“5. (1) For the purpose of admission on the Government seats in the professional courses, the Admission Committee shall prepare the merit list of students based on common entrance test or on such other criteria as may be prescribed.

(2) For the purpose of admission on the management seats in the professional courses, the unaided college or institution shall prepare the merit list of students based on common entrance test or on such other criteria as may be prescribed:

(3) The Foreign National Students or, as the case may be, NRI students shall be admitted in any professional educational college or institution in such manner and on such criteria as may be prescribed:

Provided that it shall not be necessary to conduct common entrance test for preparing merit list for admission to such professional courses as may be specified by the State Government by notification in the *Official Gazette*.”.

**Amendment
of section 4
of Guj. 2 of
2008.**

**Substitution
of section 5
of Guj. 2 of
2008.**

**Amendment
of section 6
of Guj. 2 of
2008.**

5. In the principal Act, in section 6, in sub-section (1), for the existing provisos, the following provisos shall be substituted, namely:-

“Provided that if any unaided college or institution requests to fill up all or any portion of the management seats by the Admission Committee, such management seats shall be considered as the Government seats:

Provided further that if any Government seat remains vacant, such seat shall be filled in as the management seat in the manner as may be prescribed:

Provided also that if any Non-Resident Indian seat remains vacant, such seat shall be filled in as the management seat.”;

**Amendment
of section
7A of Guj. 2
of 2008.**

6. In the principal Act, in section 7A, in sub-section (1), for the words “students from other States may be given admission in the unaided colleges or institutions”, the words “students from other States and other countries may be given admission in any college or institution” shall be substituted.

**Amendment
of section 10
of Guj. 2 of
2008.**

7. In the principal Act, in section 10,-

- (i) in sub-section (1), the words and letters “and students who are Foreign Nationals and NRI” shall be added at the end;
- (ii) in sub-section (2), to clause (c), the following proviso shall be inserted, namely:-

“Provided that the unaided professional educational college or institution may raise the fee up to five per cent. of existing fee for the fee block upto three years, or make any reduction in the existing fees without following the procedure as referred to in clauses (a) and (b) above. However, the unaided professional educational college or institution shall provide a “Declaration cum Undertaking” regarding the revised fee structure under this section in the form of affidavit as may be prescribed.”

- (iii) after sub-section (2), the following sub-section shall be inserted, namely:-

“(2A) Any unaided college or institution may charge differential fee for different courses/ branch subject to the maximum ceiling prescribed by Fee Regulatory Committee.”.

8. In the principal Act, in section 13, after sub-section (2), the following sub-section shall be added, namely:-

“(3) On receipt of any complaint, the State Government may conduct an inquiry into the matter and take necessary action.”.

**Amendment
of section 13
of Guj. 2 of
2008.**

9. In the principal Act, for section 14, the following section shall be substituted, namely:-

Penalties. “14. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall, after giving opportunity of being heard, be punishable with fine which may extend to rupees fifty lakhs; or any penal action that may be taken by the State Government under the respective University Acts or both.”.

**Substitution
of section 14
of Guj. 2 of
2008.**

STATEMENT OF OBJECTS AND REASONS

The Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 was enacted with a view to provide a common framework for admission as well as fee fixation for professional colleges, as defined by AICTE, in the State. In view of the change in the situation of demand and supply of professional courses in the State, a need has arisen to make certain changes in this Act. This amendment Bill aims to do this.

In the last three years, it appears that the aspirant students are lesser in number against the approved seats in the professional courses in Gujarat State therefore more than 50% of seats of self-financed institutions remain vacant after ACPC admission process is over. Moreover, in the year 2019 additional 25% seats have been increased to implement reservation of EWS. States like Rajasthan and Maharashtra as well as distant States like Tamil Nadu, Karnataka and Andhra Pradesh are allowing students from other States since long. This has strengthened the competition and knowledge aspect of the students in their States. Similarly, in the State of Gujarat, it is also required to increase the PAN India competitiveness among meritorious students and to provide environment of global competitiveness.

To achieve the said purpose, it is required to make available more number of seats to SFIs to fill their own so as to make early attempt to fill their seats on merit from students outside Gujarat and India. Clause 2 of the Bill provides for the same. The provisions regarding admission under the Government Seats and Management Seats is proposed under *clause 5 of the Bill*.

In recent academic framework ranking issued by various renowned organizations, it is emphasized to have diversification and global student intake at institute level. The Government of India has also launched Study in India program to create global environment for academic cultural and research activities in higher educational institutions. Since 1950 India's first Education Minister had introduced an ICCR program which enables foreign students to study in India. At present, in the State of Gujarat more than 700 students are studying under this program. To strengthen the ICCR program it is considered necessary to enable the qualified students who possess a foreign passport to study in educational institutions of Gujarat in Government Seats and Management Seats also. *Clauses 2 and 4* of the Bill provide for the same.

For the quality improvement, create awareness about professional courses among the students, admission process for professional courses and to conduct various activities pertaining to technical institutions, Education department has set up Gujarat Technical Education and Research Society (GTERS). Therefore, the overall supervision of admission process is to be conducted under GTERS. *Clause 3* of the Bill provides for the same.

To eliminate the overall administrative process and allied activities for a nominal rise in existing fees or to reduce existing fee for unaided institutions, to allow such institutions to do the same by submission of Declaration cum Undertaking. *Clause 7* of the Bill provide for the same.

On receipt of any complaint from any person, the necessary provision to empower the State Government to conduct an inquiry and to impose penalty to any professional Educational college or institution including private university is also proposed. *Clauses 8 and 9* of the Bill provide for the same.

This Bill seeks to amend the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 to achieve the aforesaid objects.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 4.- (i) Sub-section (1) of new section 5 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the criteria other than the common entrance test on which the Admission Committee shall prepare the merit list for Government seats in the professional courses;

- (ii) Sub-section (2) of new section 5 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the criteria other than the common entrance test on which the unaided college or institution shall prepare the merit list for Management seats in the professional courses;
- (iii) Sub-section (3) of new section 5 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the manner in which and the terms and conditions subject to which the Foreign National Students or, as the case may be, NRI students shall be admitted in any professional educational college or institution;
- (iv) Proviso to new section 5 proposed to be substituted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the professional courses for which it shall not be necessary to conduct common entrance test for preparing merit list for admission.

Clause 5.- The second proviso to sub-section (1) of section 6 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the manner in which the vacant Government seat shall be filled in as the Management seat.

Clause 7.- Proviso to clause (c) of sub-section (2) of section 10 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form of affidavit in which the "Declaration cum Undertaking" regarding the revised fee structure shall be provided unaided professional educational college or institution.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 5th December, 2019. **BHUPENDRASINH CHUDASAMA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,

K. M. LALA,

Dated the 5th December, 2019

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.