

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE
STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 7 of 2017

A Bill to provide for admission to MBBS and BDS courses on the basis of marks obtained in the qualifying examination.

WHEREAS the Government of India have amended the Indian Medical Council Act, 1956 (Central Act 102 of 1956) and the Dentists Act, 1948 (Central Act 16 of 1948) to conduct a uniform entrance examination to all Medical Educational Institutions and Dental Educational Institutions at the under graduate level and post graduate level;

AND WHEREAS the bulk of the students who would appear for the uniform entrance examination in the State of Tamil Nadu come from rural areas and facilities for them to access coaching classes to equip themselves for the said examination are not available due to non-availability of such coaching centres in their locality and also due to paucity of funds and economic conditions in which those students live;

AND WHEREAS it has been opined that the uniform entrance examination have become a traumatic experience for the parents and children, as it appears to determine at one stroke the future of the child;

AND WHEREAS the Higher Secondary Examination (Plus two) itself is a serious examination of merit casting a high burden on students, and is itself very much an entrance test to get admitted to higher level course and admission to professional courses and this obviates the need for any separate uniform entrance examination thereafter, as it would be an additional burden on the students;

AND WHEREAS the syllabus, methodology and the content of the uniform entrance examination is based on the syllabus prescribed for Higher Secondary Course of the Central Board of Secondary Education which is different from the syllabus prescribed by the Board of Higher Secondary Examination, Tamil Nadu;

NOW THEREFORE to address the challenges of the students from the State of Tamil Nadu, the Government have taken a policy decision to continue to admit students to the MBBS and BDS courses based on the marks obtained in the Higher Secondary Examination (Plus two) which is treated as the qualifying examination;

Short title and commencement.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Admission to MBBS and BDS Courses Act, 2017.

Definitions.

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

2. In this Act, unless the context otherwise requires,—

(a) “appropriate authority” means a University or an Authority authorised by the Government to select and allot students for admission to MBBS and BDS courses;

(b) “Government” means the State Government;

(c) “Government seats” means,—

(i) all the seats in MBBS and BDS courses in Government Colleges, excluding the seats reserved for all India quota; and

(ii) 65 percent of seats in MBBS and BDS courses in non-minority educational institutions and 50 percent of seats in minority educational institutions, as arrived at in accordance with the consensus between such institutions and the Government;

(d) “minority educational institution” means the educational institution recognized or declared as such by the Government, subject to such conditions as may be prescribed;

(e) “MBBS and BDS courses” means the first year of Bachelor of Medicine and Bachelor of Surgery and Bachelor of Dental Surgery;

(f) “Educational institution” means any college or an institution, by whatever name called, including minority institution, conducting MBBS and BDS courses, approved or recognised by the competent statutory body and affiliated to a University;

(g) “qualifying examination” means the examination conducted by the Board of Higher Secondary Examination, Tamil Nadu, at the Higher Secondary (Plus Two) level or any equivalent examination conducted by the Central Board of Secondary Education or the Board of any other State or any other Authority;

(h) “relevant subjects” means the subjects as may be prescribed for admission to MBBS and BDS courses;

(i) “State Board” means the Board of Higher Secondary Examination, Tamil Nadu;

(j) “University” means the University established or incorporated by an Act of the State Legislature;

(k) the expression “non-resident Indian” shall have the meaning assigned to it in the Income Tax Act, 1961.

Central Act
43 of 1961.

3. Notwithstanding anything contained in any other law or any rules, regulations or by-laws made thereunder, admission to every Government seat shall be made by the appropriate authority on the basis of the marks obtained by a student in the relevant subjects in the qualifying examination.

Admission to
Government
seat.

4. (1) The marks obtained by the students in the relevant subjects in the qualifying examination conducted by various Boards or Authority shall be equated with the marks obtained by the students in the same subjects in the qualifying examination conducted by the State Board, by adopting the method of normalisation.

Normalisation
of marks.

Explanation:—Under the method of normalisation, the highest marks obtained by the students of various Boards in each subject shall be equated to the highest marks obtained by the students of State Board in that subject and the relative marks obtained by other students in that subject shall be determined accordingly.

Illustration:—If the highest mark secured by the student of State Board in Chemistry is 100 and the highest mark secured by the student of any other Board in the same subject is 90, both the highest marks will be considered to be equal to 100. If a student of the other Board secures 70 marks in Chemistry when the first mark in Chemistry in the same Board is 90, the 70 marks will be considered to be equal to 77.77 marks as arrived at below :-

$$\frac{100 \times 70}{90} = 77.77\%$$

(2) After normalisation of marks in the relevant subjects in the qualifying examination conducted by different Boards, the qualified students of different Boards shall be merged into a common merit list.

(3) In cases where more than one student have got the same marks in the common merit list, the inter-se merit among such students shall be determined in such manner as may be prescribed.

(4) The appropriate authority shall prepare the rank lists for admission of students to the Government seats and allot students through centralised counselling.

Reservation to apply.

5. Admission to Government seats shall be made following the rule of reservation as per the law in force.

Invalidation of admission made in violation of the Act.

6. Notwithstanding anything contained in any other law in force, any admission made in violation of the provisions of this Act or the rules made thereunder shall be invalid.

Penalty.

7. (1) Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to ten lakh rupees.

(2) The Government may, if they are satisfied that any educational institution has violated any of the provisions of this Act, recommend to the concerned University or statutory body for withdrawal of affiliation or recognition of such institution or for any other course of action as they deem fit.

Protection of action taken in good faith.

8. No suit, prosecution or other legal proceedings shall lie against the appropriate authority, Government or its Officers for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Power to give directions.

9. The Government may, from time to time, issue such directions as it may deem fit for giving effect to the provisions of this Act.

Power to remove difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Power to make rules.

11. (1) The Government may make rules for carrying out the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made or notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

STATEMENT OF OBJECTS AND REASONS

At present, admission to MBBS and BDS Courses are made on the basis of marks obtained in the Higher Secondary Examination, as per the Tamil Nadu Admission in Professional Educational Institutions Act, 2006 (Tamil Nadu Act 3 of 2007).

2. Now, the Government of India have amended the Indian Medical Council Act, 1956 (Central Act 102 of 1956) and the Dentists Act, 1948 (Central Act 16 of 1948) to conduct a uniform entrance examination to all Medical Educational Institutions and Dental Educational Institutions at the under graduate level and post graduate level.

3. The bulk of the students who would appear for the uniform entrance examination in the State of Tamil Nadu come from rural areas and facilities for them to access coaching classes to equip themselves for the said examination are not available due to non-availability of such coaching centres in their locality and also due to paucity of funds and economic conditions in which those students live. It has been opined that the uniform entrance examination have become a traumatic experience for the parents and children, as it appears to determine at one stroke the future of the child. The Higher Secondary Examination (Plus two) itself is a serious examination of merit casting a high burden on students, and is itself very much an entrance test to get admitted to higher level course and admission to professional courses and this obviates the need for any separate uniform entrance examination thereafter, as it would be an additional burden on the students. The syllabus, methodology and the content of the uniform entrance examination is based on the syllabus prescribed for Higher Secondary Course of the Central Board of Secondary Education which is different from the syllabus prescribed by the Board of Higher Secondary Examination, Tamil Nadu

4. To meet the aforesaid challenges of the students from this State, the Government have taken a policy decision to continue the present procedure of admission to MBBS and BDS courses on the basis of the marks obtained in the Higher Secondary Examination. Accordingly, the Government have decided to bring in a legislation for the purpose.

5. The Bill seeks to give effect to the above decision.

Dr. C. VIJAYABASKAR,
*Minister for Health and
Family Welfare.*

A.M.P. JAMALUDEEN,
Secretary.