

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. 8 of 2017**

***A Bill to provide for admission to Post Graduate courses in Medicine and Dentistry.***

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 Government of Tamil Nadu spends a considerable amount from its exchequer towards medical education including post graduation with a view to provide quality health care to the people of Tamil Nadu, particularly, those living in rural, remote and hill areas;

AND WHEREAS with the said objective, selection for admission to post graduate courses in medicine and dentistry is made by the State Government based on entrance examination and experience, wherein fifty per cent of the seats in each speciality is allocated to the doctors in the Government service. Further, on selection, the Government doctors are required to serve the Government till superannuation and the non-service doctors to serve the Government for a period of not less than two years after completion of the course;

AND WHEREAS, in the said scenario, if uniform entrance examination is conducted by the Government of India for admission to post graduate courses in medicine and dentistry, the scheme presently followed by the State Government in regard to admission to such courses would be thrown out of gear and the avowed objective of providing quality health care to the rural and needy people would be defeated;

NOW, THEREFORE, to avoid such a situation, the State Government have taken a policy decision to continue the present procedure in regard to admission to post graduate courses in Medicine and Dentistry and to give statutory backing therefor;

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 Post Graduate Courses in Medicine and Dentistry Act, 2017.

Short title and commencement.

(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,—

Definitions.

(a) “appropriate authority” means a University or an Authority authorised by the Government to select and allot students for admission to post graduate courses in Medicine and Dentistry;

(b) “Government” means the State Government;

(c) “Government seats” means,—

(i) all the seats in each speciality in post graduate courses in

Medicine and Dentistry in Government colleges, excluding the seats reserved for all India quota; and

(ii) 65 per cent of seats in each speciality in post graduate courses in Medicine and Dentistry in non-minority educational institutions and 50 per cent of the seats in each speciality in post graduate courses in Medicine and Dentistry in minority educational institutions, as arrived at in accordance with the consensus between such institutions and the Government;

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

(e) "post graduate courses in Medicine and Dentistry" means the first year of the post graduate degree or diploma in Medicine and the post graduate degree in Dentistry;

(f) "educational institution" means any college or an institution by whatever name called, including minority institution, conducting post graduate courses in Medicine and Dentistry leading to the award of a post graduate degree or diploma, approved or recognised by the competent statutory body and affiliated to a University;

(g) "entrance examination" means the examination conducted by the appropriate authority in the manner as may be prescribed;

(h) "University" means the University established or incorporated by an Act of the State Legislature.

Admission to Government seat.

**3.** Notwithstanding anything contained in any other law or any rules, regulations or by-laws made thereunder, admission to every Government seat in each speciality in post graduate courses in Medicine and Dentistry shall be made, by the appropriate authority, on the basis of the marks obtained by a student in the entrance examination and the experience criteria, as may be prescribed.

Reservation to apply.

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

Allocation of seats for Government Doctors.

**5.** Fifty percent of Government seats in each speciality in post graduate courses in Medicine and Dentistry shall be allocated for doctors in Government service.

Execution of Bond.

**6.** Every candidate selected for admission to any post graduate course in Medicine and Dentistry shall execute a bond in such manner as may be prescribed.

Invalidation of admission made in violation of the Act.

**7.** 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.

**8. (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.

9. 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.

Protection of action taken in good faith.

10. 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 give directions.

11. 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:

Power to remove difficulties.

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

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

Power to make rules.

(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**

Selection for admission to post graduate courses in Medicine and Dentistry in the State is now made by the State Government, after excluding fifty per cent of the seats reserved for all India quota, based on entrance examination and experience. Fifty per cent of the seats in each speciality of the post graduate courses is allocated to the doctors in the Government service. On selection, the Government doctors are required to serve the Government till superannuation and the non-service doctors to serve the Government for a period of not less than two years after completion of the course, with the objective of providing quality health care to people of Tamil Nadu, particularly, those living in rural, remote and hill areas.

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. In the aforesaid scenario, if uniform entrance examination is conducted by the Government of India for admission to post graduate courses in medicine and dentistry, the scheme presently followed by the State Government in regard to admission to such courses would be thrown out of gear and the avowed objective of providing quality health care to the rural and needy people would be defeated. Hence, in order to continue the present system of admission to post graduate courses in medicine and dentistry and to give statutory backing therefor, the Government have decided to bring in a legislation for the purpose.

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

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

A.M.P. JAMALUDEEN,  
*Secretary.*