

AS INTRODUCED IN THE RAJYA SABHA
ON 4TH DECEMBER, 2009

Bill No. XXX of 2009

THE PROFESSIONAL COURSES (COMMON ENTRANCE
EXAMINATION AND MISCELLANEOUS PROVISIONS)
BILL, 2009

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to provide for a common entrance examination for each professional course for admission into various government and private professional institutions offering higher education in the country and to regulate the fee structure of the private institutions offering professional courses including the application fee charged before admission and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Professional Courses (Common Entrance Examinations and Miscellaneous Provisions) Act, 2009.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

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

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “entrance examination” means any pre-admission test including a written or an oral test or both conducted for the purpose of enrolment or admission of a candidate to a professional course of study imparted by a professional institute;

(c) “prescribed” means prescribed by rules made under this Act;

(d) "professional course" means degree course in engineering, information technology and computer science, medical, law or mass media;

(e) “professional institute” means an institution or a college including a professional college recognised by or affiliated to any university or a body or including the institutions or colleges established by or under a statute of the Central Government or the State Government, as the case may be, for imparting education and awarding degree after senior secondary level school education.

Central Government to conduct common entrance examination.

3. (1) On and from such date, as the Central Government may by notification in the Official Gazette appoint, there shall be one all India examination for each professional course in the country to be conducted by the Central Government in consultation with each State Government in such manner, as may be prescribed:

Provided that before implementing the provisions of sub-section (1), the Central Government shall ensure that there is common syllabus for each subject at the secondary school level in which entrance examination is conducted through out the country.

(2) The Central Government, in consultation with the Government of each State, ensure that admissions in all professional institutes within their respective jurisdiction shall be made exclusively on the basis of marks or grade, as the case may be, obtained by each candidate in the common entrance examination of the concerned course.

(3) The Central Government shall, in consultation with the Government of each State, prepare the framework and decide about the modalities for admission in Professional Institutes on the basis of common entrance examination in such manner, as may be prescribed.

Provided that the provisions of section 3 shall not be applicable to entrance examination conducted by the Indian Institutes of Technology, Indian Institutes of Management, All India Institute of Medical Sciences and institutes under the jurisdiction of Armed Forces.

Appropriate Government to regulate fee structure.

4. (1) The appropriate Government shall regulate the fee structure of each Professional Institute within its jurisdiction in such manner, as may be prescribed.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the standards of faculty and facilities maintained by a Professional Institute shall always be taken into consideration while regulating the fee structure of a Professional Institute.

(3) The Central Government shall, in consultation with the Government of each State, constitute a monitoring committee, in such manner as may be prescribed, to monitor and review the fee structure of Professional Institutes in each State.

Professional Institutes not to charge application fee.

5. (1) On and from the appointed day as the Central Government may notify in the Official Gazette in this behalf, no Professional Institute shall charge any application fee for admission to any professional course except the actual cost of application form and the prospectus.

(2) All Professional Institutes shall make their application form available on their website or make them available in the premises of the institute or at such places, as may be prescribed.

Central Government to provide funds.

6. The Central Government shall, after due appropriation made by Parliament in this behalf provide funds for the purpose of this Act.

Overriding effect of this Act.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty;

Power to remove difficulty.

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

9. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every order and every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament. While it is in Session, for a total period of thirty days, which may be comprised in one Session or in two or more successive Sessions, and if, before the expiry of the Session immediately following the Session or the successive Sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule 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.

STATEMENT OF OBJECTS AND REASONS

Every year, lakhs of students appear for entrance examinations of various professional courses in the country. There is no single common entrance examination for any professional course in the country. As a result, some entrance examinations are conducted by the Central Government and the State Governments, while private professional institutes are having their own examinations for admission to their professional courses. Every year, immediately after the conclusion of the senior secondary examinations, every Saturday or Sunday a large number of candidates appear for various entrance examinations almost for three months. Sometimes, the dates of various examinations clash and the students have to choose entrance examination of any one of the Professional Institutes. Even the syllabuses of various examinations are different mainly on the aspect of difficulty level. As a result students have to prepare differently for different examination. Besides, it has also been observed that the private Professional Institutes charge huge money along with application form although they do not conduct any examination and admit students on the basis of examination conducted by the Central Board of Secondary Education or other authority. In this manner, these institutes collect crores of rupees as application money which is unjust. Similarly, often voices are raised against exorbitant tuition fee and other charges collected by various Professional Institutes, while admitting the students in various courses. Many a time directions have been issued by Courts to regulate fee structure of private institutes, but things remain unchanged. Some States have taken a lead in this regard, but on the whole, the area is still unregulated. With this kind of arrangement in place, the lakhs of students as well as their parents suffer a lot physically as well as financially. In view of this, it is being felt that it would be more appropriate, if a single entrance examination for each professional course is conducted and fee structure, etc. of private professional institutes is regulated in consultation with the State Governments.

Hence this Bill.

MAHENDRA MOHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that there shall be one all India entrance examination for each professional course to be conducted by the Central Government in consultation with the State Governments. Clause 6 of the Bill provides that the Central Government will provide funds for carrying out the purposes of the Bill. It is estimated that an amount of rupees one hundred crore would be involved from the Consolidated Fund of India annually. It is also estimated that a non-recurring expenditure of rupees fifty crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

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(Shri Mahendra Mohan, M.P.)