

***Haryana Private Health Sciences Educational Institutions
(Regulation of Admission, Fixation of Fee and Maintenance of
Educational Standards) Act, 2012
(Haryana Act No. 9 of 2012)
Last Updated 21st January, 2020***

[h1787]

[Dated 11.4.2012.]

Haryana Government Law and Legislative Department

No. Leg. 11/201. - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 30th March, 2012, and is hereby published for general information: -

An Act to provide for the regulation of admission, fixation of fee and maintenance of educational standards in private health sciences educational institutions in the State of Haryana and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixty-third Year of the Republic of India as follows :-

1. Short title. - This Act may be called the Haryana Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and Maintenance of Educational Standards) Act, 2012.

2. Definitions. - In this Act, unless the context otherwise requires,-

- (a) "*aided institution*" means a private institution including a minority institution, receiving recurring financial aid or assistance in whole or in part from the Central Government, State Government or any local body;
- (b) "*common entrance test*" means an entrance test, conducted by the State Government or any other agency authorized by it,
- (c) "*Director*" means Director, Medical Education and Research, Haryana;
- (d) "*fee*" means any amount charged by a private institution from a student, in any manner or under any nomenclature and includes all expenses relating to studies, hostel and transport;
- (e) "*course*" means a health science course after completion of which a degree, diploma or certificate is conferred upon a student in Modern System of Medicine or Indian System of Medicine or nursing or any other para- medical course recognized by respective regulatory authority;

- (f) "*Fee and Admission Committee*" means a Committee constituted under section 7 of this Act;
- (g) "*Indian System of Medicine*" means a system of medicine which includes Ayurveda, Unani, Siddha, Homeopathy, Naturopathy, Yoga and such other disciplines, as may be notified;
- (h) "*management category*" means a category of seats reserved for filling up by management out of the sanctioned intake of private institution;
- (i) "*minority*" means a community declared as such by the State Government, by notification;
- (j) "*minority institution*" means a private institution imparting course established and administered by a minority;
- (k) "*Modern System of Medicine*" means a system of medicine which includes all branches of modern medicine and dentistry dealing with pre-clinical, para-clinical, clinical, para-medical and para-dental disciplines at the diploma or degree level or above and such other disciplines, as may be prescribed,
- (l) "*non resident Indian*" means the wards of an Indian having the status of Non-Resident Indian under the law or a student seeking admission having the status of non-resident Indian;
- (m) "*non-resident Indian category*" means a category of seats reserved for filling up by non-resident Indians;
- (n) "*open merit category*" means a category of seats other than management category and non-resident Indian category;
- (o) "*para medical course*" means a course in nursing, multi purpose health workers (MPHW), radiographer, ophthalmic assistant, operation theatre assistant, lab technician, pharmacist and such other course;
- (p) "*prescribed*" means prescribed in the rules;
- (q) "*private health science educational institution*" means a private health science educational institution located in the State (hereinafter referred to as a private-institution), which is not established and administered by the Central Government or State Government or a local body, offering degree, diploma or certificate course in Modern System of Medicine or Indian System of Medicine, nursing or para medical or any of its branches as recognized by respective regulatory authority and includes aided institution and unaided institution;
- (r) "*qualifying examination*" means an examination, passing of which is mandatory for a student to get admission to a course in private institution;

- (s) "*regulatory authority*" means a body which has been vested with powers of regulation of a degree, diploma or certificate in Modern System of Medicine, Indian System of Medicine, nursing or any of its branches by Central Government, State Government, any University or by any Statutory or other body which has powers of affiliation, recognition or accreditation of certificate, diploma or degree, as the case may be;
- (t) "*sanctioned intake*" means the total number of seats, sanctioned by appropriate regulatory authority, for admitting students in each course of study in private institution;
- (u) "*State Government*" means the Government of the State of Haryana;
- (v) "*unaided institution*" means a private institution which is not getting an aid from the Central Government, State Government or any local body.

3. Eligibility and admission. - (1) The eligibility criteria for admission to a course in a private institution shall be such, as determined by the concerned regulatory authority, from time to time.

(2) The State Government shall specify the admission procedure to a course on the basis of common entrance test, merit in qualifying examination or any other fair, suitable and transparent method.

(3) The common entrance test shall be conducted by the State Government or any other agency authorized by it for making admissions to the private institutions in the State in accordance with the procedure, as may be prescribed or notified.

(4) Admission to the open merit category seats shall be made on the basis of common entrance test or any other procedure as may be prescribed. Admission to management category or non resident Indian category shall be made on the basis of inter se-merit of the candidates in the common entrance test or qualifying examination or any other suitable method through the centralized receipt of applications and centralized counselling or any other fair procedure, as notified by the State Government, from time to time:

Provided that different methods may be notified for non-resident Indian category or management category by the State Government.

4. Allocation of seat. - □ (1) The Government shall, by notification, allocate seats for the open merit category, management category and non-resident Indian category or any other category for every private institution :- Provided that the total number of seats for management category shall not exceed fifty per cent of the total sanctioned intake:
Provided further that the total number of seats for non-resident Indian category shall not be more than fifteen per cent of the total sanctioned

intake and this fifteen per cent shall be out of the seats reserved for management category:

Provided further that if seats for non-resident Indian category remain vacant, the same shall be filled from the management category:

Provided further that if there remains vacancy in management category, the same shall be filled from the open merit category but in case of vacancy in the open merit category, the same may be filled up as per procedure notified by the State Government.

(2) The State Government may prescribe the procedure for making admission by the minority institution.

5. Reservation. - The State Government may direct the private institution to make reservation of seats in the manner, as may be prescribed.

6. Affiliation. - Every private institution shall be affiliated and recognized by a regulatory authority.

7. Fee and Admission Committee. - (1) The State Government may constitute a Fee and Admission Committee consisting of such members, as may be notified by the State Government. The committee shall recommend the mode of admission, making of reservation, allocation of seats and fixation of fees etc., to the State Government and may follow procedure as laid down in sub-sections (1), (2) and (3) of section 8.

(2) Notwithstanding anything contained in sub-section (1) above, the State Government shall have the power to review the fee structure recommended by any such committee and fix fee.

(3) The Government may, review the fee structure as recommended by the committee formed for this purpose, prior to the commencement of this Act.

8. Fixation of fee. - (1) The State Government shall, on its own motion or on the recommendation of the Committee, consider the following factors while determining fee to be charged by a private institution, namely:

- (a) nature of courses or curriculum;
- (b) capital cost of land, building and equipment;
- (c) operational expenditure of the private institution;
- (d) expenditure incurred or being incurred on faculty, administration and maintenance of the private institution;
- (e) reasonable fund required for growth and development of private institution;
- (f) facilities available in the private institution;
- (g) age of the private institution; and
- (h) any other relevant factor, which the State Government deems just and appropriate for the determination of fee.

(2) For the purpose of determining fee, the State Government may require any private institution to furnish such information, as it may deem appropriate.

(3) The State Government before determining fee under sub-section (1), shall give private institution and the representatives of the students already studying therein, a reasonable opportunity to express their view points in writing with respect to the determination of fee.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), the State Government may in public interest determine a provisional fee till the determination of fee:

Provided that the State Government shall within a period of ninety days from the fixation of such provisional fee, fix fee in accordance with the provisions of sub-sections (1), (2) and (3).

9. Maintenance of standard and quality. - (1) The State Government shall ensure that the private institutions are providing good quality education, complying with norms of infrastructure, faculty, training facilities, discipline and other academic standards as prescribed by regulatory authority.

(2) The State Government may issue a notification or pass any such orders, as it deems appropriate for maintaining proper quality and standard of education.

(3) The State Government may require a private institution to file such return, as may be prescribed or provide such information, as it deems appropriate in the prescribed form, in the interest of quality of education.

(4) The State Government upon finding any deficiency or violation by the private institution or otherwise, may issue directions to take corrective action within such time, as may be specified:

Provided that in case of non-compliance of the directions so issued within specified period, the State Government may, impose a fine, as per the provisions of the Act.

10. Enquiry. - (1) The Director shall be competent authority to receive complaints against the violation of the provisions of this Act, rules or notification issued thereunder and may cause an enquiry to be conducted into the allegations levelled by the complainant.

(2) The Director shall file the complaint, if in its opinion, it is vexatious, anonymous or pseudonymous complaint or pass such orders, as he may deem appropriate.

(3) The Director may direct the complainant to furnish additional information or an affidavit in support of his allegations.

(4) The Director while holding the inquiry, shall have the powers of civil court to access, obtain and scrutinize the records of the private institutions as well as summoning of any person or any relevant official record, which he may deem necessary.

(5) The Director, if after holding the enquiry, finds that the private institution has violated any provision of the Act, rules, notification or direction issued thereunder, it may,

- (a) impose a fine on such private institution, which may extend to five lac rupees; or
- (b) pass such other appropriate order, as it deems necessary.

11. Power of the State Government. - The State Government, if it is satisfied that a private institution is charging fee more than fee fixed by the Government or has violated any provision of this Act, rules or any notification issued thereunder, shall have power to -

- (a) recommend the withdrawal of affiliation or recognition of such private institution from the regulatory authority to which such institution is affiliated or recognized:

Provided that interest of the validly admitted students in the private institution shall be protected while adopting such means, as are considered appropriate ; or

- (b) direct such institution to cancel the admission or registration of a student, who has been admitted to such institution in violation of the provisions of this Act or the notification issued thereunder; or
- (c) direct such institution to admit any student to whom admission has been wrongly denied; or
- (d) pass any other orders, as it deem appropriate.

12. Imposition of fine. - (1) The State Government or Director may impose a fine on a private institution, if it is found guilty of charging fee more than the fee fixed by the State Government, which may extend to fifteen times of the excess fee charges and if not paid otherwise, shall be recovered as arrears of land revenue.

(2) The State Government or Director may impose a fine upto five lac rupees on a private institution, if it fails to comply with the directions or orders issued under this Act:

Provided that no fine shall be imposed unless a show cause notice has been issued to a private institution.

13. Appeal. - Any private institution aggrieved by an order made by the Director, may, within a period of sixty days of communication to it, prefer an appeal to the State Government, in such form and manner, as may be prescribed:

Provided that the State Government may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

14. Credit of fine. - The amount of fine imposed under this Act shall be credited to the Consolidated Fund of the State.

15. Audit. - The State Government shall have the power to order special audit to consider whether the private institution is complying with the provisions of this Act, rules, notifications or orders issued thereunder, if there are complaints of violations of the provisions of the Act.

16. Inspection Committee. - The State Government may constitute an Inspection Committee for causing an inspection into the affairs of the private institution and to ensure that the private institution is imparting quality education and complying with the provisions of the Act, rules and notifications.

17. Powers to issue direction. - The State Government may, from time to time, issue directions to the private institutions, as in its opinion, are necessary or expedient for carrying out the purposes of this Act and the notifications issued thereunder and such institutions shall comply with the directions, so issued.

18. Power to remove difficulties. - (1) If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

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

(2) Every order made under this section, shall be laid, as soon as may be after it is made, before the Haryana State Legislature.

19. Powers to make rules. - The Government may make rules to carry out the provisions of this Act. To the extent of any inconsistency, provision of this Act shall prevail over and supersede provisions of any other State law for the time being in force in the State of Haryana.

20. Protection of action taken in good faith. - No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or employee of the State Government or any other person or authority, authorized by the State Government for anything which is done or intended to be done in good faith under this Act or the notification issued thereunder.