



## **HARYANA STATE LAW COMMISSION**

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### **TWENTY FIRST REPORT**

**Recommendation to amend Section 6 of the**  
**Haryana Private Technical Educational Institution**  
**(Regulation of Admission and Fee) Act, 2012**  
**(Haryana Act No.18 of 2012).**

**Government of Haryana**

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**Government of Haryana**

**HARYANA STATE LAW COMMISSION**

**TWENTY FIRST REPORT**

**10<sup>th</sup> October, 2024**

**Recommendation to amend Section 6 of the**  
**Haryana Private Technical Educational Institution**  
**(Regulation of Admission and Fee) Act, 2012**  
**(Haryana Act No.18 of 2012).**

In most of the Corporations, Boards, Institutions, Undertakings of the Government established under the statute, there are certain Committees appointed for special purposes. In those Committees constituted under the relevant Act, there are generally Chairperson and Members. Sometimes, Member/Members leave the Institution and vacancy arises. When all or most of the Members resign or leave the Institution and their post/posts are not fulfilled for a long period of time, then difficulty arises that without presence of Members, no resolution or agenda can be passed and the work becomes stand still. The entire Institution becomes helpless/idle due to vacancy of Member/Members.

This problem is taken up by various departments before the Haryana State Law Commission so many times. Under the Haryana Private Technical Educational Institution (Regulation of Admission and Fee) Act, 2012, vide Section 3, a Committee for regulating admission and fee charged for a technical course by a private technical educational institution in the State of Haryana, was constituted consisting of following, namely: -

- (i) a Chairperson, who shall be a retired Judge of Hon'ble Supreme Court / Hon'ble High Court or former Vice Chancellor of a University or has experience in public administration at senior position;
- (ii) Director General Technical Educational (ex-officio) Member Secretary;
- (iii) a Chartered Accountant of repute as member;
- (iv) a person having wide experience in the administration of Technical Education as member;
- (v) an academician not below the rank of Professor in Engineering or Management as member.

The matter came up before the Haryana State Law Commission as posts of all the Members are lying vacant for a long period except the post of Member Secretary, who is very

busy in looking after the Technical Education Department and other assignments entrusted to him by the State Government, resultantly, the work of the Institution is suffering badly.

The powers of the Committee are described in Section 11 of the Haryana Private Technical Educational Institution (Regulation of Admission and Fee) Act, 2012 which reads as under: -

- “11. (1) The Committee shall have powers to, -
- (i) require any private technical education institution to place before it, the proposed fee structure for such institution along with all the relevant documents and the books of account;
  - (ii) verify whether the fee structure proposed by such institution is justified;
  - (iii) approve the fee structure for such institution or determine a different fee which shall be charged by such institution for different courses run by it;

Provided that the Committee shall also approve the fee structure for technical courses

run by the aided technical educational institution in case the said institution is not receiving any aid for the said course.

(2) The Committee may frame its own procedure for the conduct of its proceedings.

(3) The fee structure so determined by the Committee shall be binding on the private technical educational institution for a period of three years and the same fee shall continue further if the private technical educational institution does not approach the Committee for revision.

(4) The fee determined by the Committee shall be applicable to a student who is admitted in a technical course in an academic year and shall not be revised for him till the completion of his course in that private technical educational institution.

(5) A private technical educational institution shall not be allowed to charge or collect any fee other than the fee determined by the Committee under sub-section (1) and shall not be allowed to collect the fee at a time, more than the fee of one term from a student in an academic year.”

As per the provisions of Section 11 of the Haryana Private Technical Educational Institution (Regulation of Admission and Fee) Act, 2012, if the Committee is not functioning or does not have proper quorum, the fee structure for a private technical educational institution as well as aided technical educational institution cannot be determined or changed as per the need of the students as well as institution. Resultantly, the students as well as institution may suffer financial crisis and consequently the education of those students shall also be affected adversely. Therefore, a provision should be made in the aforesaid Act by way of amendment in Section 6 of the Haryana Private Technical Educational Institution (Regulation of Admission and Fee) Act, 2012 so that the technical educational institutions as well as students shall not suffer.

The Haryana State Law Commission is of the view that under such circumstances when all or most of the Members of the Committee are not available due to vacancies or other reasons, the Chairperson of the Committee should be given powers to operate the functions of the Committee and to take decision regarding regulation of admission, to determine the fee structure of the private technical educational institutions as well as aided technical educational institutions and the same shall be applicable on all the aforesaid technical educational institutions.

However, when the quorum of the Committee is complete i.e. Members are available, decision regarding regulation of admission and fee structure so determined by the Chairperson shall be approved *ex-post facto* by the Committee.

The Haryana State Law Commission, therefore, of the view that sub-section (2) to Section 6 of the Haryana Private Technical Educational Institution (Regulation of Admission and Fee) Act, 2012 may be added by way of amendment in the Act as under: -

“Section 6 (2).- When all or most of the Members are not available as a result of vacancies, the Chairperson shall be competent to operate the functions of the Committee, regulate the admission and determine the fee structure for the private technical educational institutions subject to *ex-post facto* approval of the Committee when the Members are available and the quorum of the Committee is complete.”



## RECOMMENDATION

The Haryana State Law Commission, therefore, recommends that Section 6 of the Haryana Private Technical Educational Institution (Regulation of Admission and Fee) Act, 2012 (Haryana Act No.18 of 2012) shall be amended as under: -

“**Section 6.-** (1) No act or proceedings of the Committee shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of the Committee.

(2) When all or most of the Members are not available as a result of vacancies, the Chairperson shall be competent to operate the functions of the Committee, regulate the admission and determine the fee structure for the private technical educational institutions subject to *ex-post facto* approval of the Committee when the Members are available and the quorum of the Committee is complete.”

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