

MAHARASHTRA ACT No. XV OF 2003¹

[THE MAHARASHTRA MEDICAL AND DENTAL COLLEGES
ADMISSIONS (REGULATION AND ABOLITION OF ALL
INDIA QUOTA) ACT, 2003]

(This Act received the assent of the Governor on the 11th April 2003 ; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 12th April 2003).

An Act to provide for regulation of admissions to Government and Municipal Medical and Dental Colleges in the State of Maharashtra for undergraduate and post-graduate medical and dental education and for matters connected therewith and incidental thereto.

WHEREAS the Government of Maharashtra has been contributing 15 per cent. seats of M.B.B.S. and B.D.S. Courses (around 315 seats annually) and 25 per cent. of the post-graduate seats (around 256 seats annually), from the total intake of Government and Municipal, Medical and Dental Colleges to "All India quota";

AND WHEREAS it has been revealed from the statistical data obtained from the records available with the Government of India, that as against the 315 seats made available for All India quota for medical course, average of about 3 candidates belonging to the State of Maharashtra have been selected annually against these seats in the last several years;

AND WHEREAS the statistical data has also revealed that, a very large number of students from the States of Rajasthan, Uttar Pradesh, Bihar, Haryana and Punjab, which are neither disturbed areas nor lacking in medical education facilities, have been selected for the seats earmarked for "All India quota";

AND WHEREAS although, these States have better Medical Education facilities compared to the States like Arunachal Pradesh, Daman and Diu, Dadra and Nagar Haveli, Lakshadweep, Mizoram, Nagaland, etc., which do not have adequate medical education facilities, the statistical data as aforesaid has also revealed that, under the existing system, the benefits to these needy States are quite negligible, thereby the main objective of the "All India quota" system stands practically defeated; and in effect, it has led to depriving the students who are the permanent residents of the State of Maharashtra and tax payers, from benefitting from its own State's resources;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, dated the 7th April 2003, Extraordinary, Part V-A, p.p. 162-163.

AND WHEREAS the Government of Maharashtra is spending a very large amount of its own resources, to the tune of rupees 2.5 lakh per year on the education of each medical student ;

AND WHEREAS the amount spent by the Government of Maharashtra for the education of the students from " All India quota " is almost to the tune of rupees 7.88 crore for the first year of M.B.B.S. and B.D.S. and for the entire course of the five years duration, to the tune of Rs. 39.4 crore ; and the majority of these students, after completion of their education, return to their Parent States resulting in the State of Maharashtra not being able to avail of its rightful benefits of the services of the doctors trained by the State Government, at the cost of its resident tax payers ;

AND WHEREAS in the recent Judgement in T.M.A. Pai Foundation *versus* State of Karnataka, delivered by the Constitutional Bench of eleven Judges of the Hon'ble Supreme Court, while setting aside the scheme framed pursuant to the decision in Unnikrishnan's case, it has been laid down by the Hon'ble Supreme Court, *inter alia*, that certain percentage of seats be reserved for admission by the management of the private colleges while the rest be filled on the basis of counselling by the State Agency and that the percentage in that behalf, be fixed by the State according to the local need; and as a result, a large number of seats which would almost be the same as were being made available in the past to " All India quota " would still be made available by the State of Maharashtra to the students on " All India Basis ", in private medical colleges in the State ;

AND WHEREAS having regard to the factual position stated above, the Government of Maharashtra, in the interest of the student community of the State of Maharashtra, the permanent residents, and tax payers of the State and in the larger interest of the State, and also having regard to the fact that the existing system of " All India quota " has, by and large, not resulted in achieving the purpose for which it was introduced, and that instead of mutuality and reciprocity, the scheme is causing reverse discrimination, resulting in heavy imbalance and prejudicially affecting the interest of the State, considers it expedient to withdraw the M.B.B.S., B.D.S., undergraduate and post-graduate seats from the " All India Scheme (quota) " and provide these seats to the local students of the State ; and to the students from the disturbed areas or States and needy States lacking in medical and dental education facilities ;

AND WHEREAS it is expedient to provide for these matters by an Act of the State Legislature ; it is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Medical and Dental Colleges Admissions (Regulation and Abolition of All India quota) Act, 2003.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such *date as the State Government may, by notification in the *Official Gazette*, appoint.

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

Definitions.

(1) "All India Seats" or "All India quota" means 15 per cent. seats of M.B.B.S. and B.D.S. Degree courses and 25 per cent. seats of post-graduate degrees, in Medical and Dental courses, of the total number of seats available in Government and Municipal Medical and Dental Colleges in the State of Maharashtra, made available by the Government for the students, on all India basis, as per the All India Medical Admission Scheme laid down by the Government of India, for admission to medical colleges in India ;

(2) "appointed date" means the date appointed under sub-section (3) of section 1 ;

(3) "Competent Authority" means the Director, Medical Education and Research, Maharashtra State, at Mumbai, or such other officer designated as such by the State Government ;

(4) "Director" means the Director, Medical Education and Research, Maharashtra State, Mumbai ;

(5) "Government" means the Government of Maharashtra ;

(6) "medical admission" means admission to the M.B.B.S. Degree course and the B.D.S. Degree course and shall include admission to the post-graduate degree courses in medical and dental disciplines ;

(7) "medical colleges" means the Government Medical and Dental Colleges run by the State Government and shall include the medical and dental colleges run by the local authorities in the State ;

(8) "medical seats" means the seats available for medical admissions in medical colleges ;

(9) "local students" means students who are ordinarily residing for a continuous period of not less than 15 years within the territorial jurisdiction of the State of Maharashtra ;

(10) "State" means the State of Maharashtra.

Abolition of
All India
quota.

3. Notwithstanding anything contained in any judgement, order or direction of any Court, or any law, rule, regulation, bye-law, scheme, document or instrument to the contrary, on and from the appointed date, "All India quota" shall, in relation to the medical admissions in the State, stand abolished :

Provided that, out of the total number of medical seats in the State, certain seats as specified below, shall be reserved for the eligible students from the disturbed areas or States declared as such by the Government of India and from the States where no medical or dental education facilities are available, namely :—

40 seats for M.B.B.S. Degree Course ;

5 seats for B.D.S. Degree Course ;

18 seats for Post-Graduate Degree Courses in Medical Disciplines ;
and

2 seats for Post-Graduate Degree Courses in Dental Discipline :

Provided further that, nothing in this section, shall affect the existing reservation policy and the reservation policy declared by Government for medical admissions, from time to time.

Effect of
Abolition.

4. For the removal of doubt, it is hereby declared that,—

(a) from the appointed date, there shall be no "All India quota" medical seats reserved on All India basis in the State for medical admissions and the State Government hereby withdraws from the scheme laid down by the Government of India providing for medical admissions on all India basis, from "All India quota";

(b) the "All India quota" under the Government of India Scheme having been abolished as provided in section 3, the medical seats having become so available shall be filled in, alongwith the other medical seats, following the same procedure and shall be subject to the same terms and conditions, as laid down by the Competent Authority in this behalf, from time to time.

Removal of
doubt or
difficulty.

5. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order, make provision or give such direction not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of the period of two years from the appointed date.

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