

GUJARATI - THE GUJARAT EDUCATIONAL INSTITUTIONS (REGULATION) ACT, 1984

Extra No. IO REGISTERED NO. G/GNR/Z Cbe Gujarat government Ga*pette EXTRAORDINARY PUBLISHED BY AUTHORITY Vol. xxvj WEDNESDAY, MAROi-E 7, 198MP11ALGUNA 17. Separate paging is given to this Part in order that it may be filed as a separate Compilation. Acts of the Gujarat Legidafute and Regulations made by The Act, of the Governor on the 3rd March,]nation. GUJARAT ACT (First , af%er having, received "Gujarat, Gazette" Ordinances promulgated and the Governor. 7 K. of' Gujarati, of 1984. An *ict to provide fin: recognii,iflll educat iona; Inaintained for condyc.ting coursps, instruction Ir certificates in the St.-atc of Gujarat and tin It is hexeby enacted in the Thirty-fifth Year of the Repubiic of India as follows . 1. (1) 'This Act 'nay bc called the Gujarat Educational Institutions (Re- gulation) Act, 1984. (2) It extends to tho wholc of the State of Gujarat. (3) It shall bc demned to have c.07ne into force on the 18th January, 1984. IP-I tv-EX.,-10.r Short titL-•. ment. 10-2 GI,'JARAT GOVERNMENT GAZETTE, E.x., 7-3." (PART Definitione. Rostrictinn blishment or maintenance tution

2. In this Act, unless the context otherwise require.s,— (c) "Board" means the Gujarat State Examination Board esta blished by the State Governntnent; "educational institution" means an educational institution conduct- ing courses of instruction leading to grant of a Scheduled certificate; "existing educational institution" means— (i) an educational institution established before the conunencement of this Act, and maintained at such commencement; (ii) an educational institution established before a certificate leading to the grant of which such educational institution provides courses of in- struction is specified in the Schedule by issue of a notification under scc- tion 4 and maintained at the issue of such notification • 'prescribed" means prescribed by rules made under this Act; (d) "rules" means the rules made under this Act ; means any certificate specified in the "Scheduled certificate" Schedule. 3. (1) No person other than the State Governnment shall ūfter the commence- nent of this Act establish and maintain any educational institution or maintain an existing educational institution unless such educational institution is recognised under this section. (2) (a) Any person desiring establish and maintain an educational in- stitution or, as the case may be, to maintain an existing educational insti- tution may Ina.ke an application to the Director of Primary and Adult Edu- cation, Gujarat State or an officer authorised by the State Government in this behalf (hereinafter referred to as "the authorised officer") in such form and on payment of such fecg as may bc prescribed : Provided that person maintaining an educational institution at the commencement of this Act or, as the case may be, at the issue of the notification under section 4 shall be allowed a period of three months from such cmnnencement or, as the case may bc, such issue to make an appli- cation under this sub-section : Providcti further that where a person rferred to in the first proviso makes an application within the period specified in that proviso, such person shall be deemed to have been authorised to maintain the existing educational in- stitution in respect of which such application has been made, till the day on which the recognition is granted or, as the cage may be, refused, as if such existing educational institution was reoonised for such period under this Act. PART GŪJĀRAT GOVERNMEM GAZETTE, 7-9-84 10-3 (b) Tho person making an application for recognition under clause (a) shall satisfy the officer to whom such application is made that, (i) the educational institution in respect of which such application is inade shall supply a need in the State having regard to the type of courses of instruction which the educational institution shall conduct and the existing provision for the same type of courses of instruction by other educational institutions in the State (ii) such other requirements connected with the recognition of the edu- cational institution, as may be prescribed. (3) (n receipt of an application made under sub-section (2), the Director or, as the case rmay be, the authorised officer shall consider and make an inquiry in respect of the nced of the educational institution and such other rnatters as may be deetned necessary and relevant, in such nianner as may bc prescribed and thereafter decide within a period of three *months from the date of receipt of such application as to whether the educational institution may bo recognised or the application for recognition be rejected. (4) The l)ircctor or the authorised officer rmay while recognising an educa- tional institution impose such of the prescribed conditions in relation to such institution as he thinks fit. educational (5) Every recognised educational institution shall be given a certificate of recognition in the prescribed form. (6) (a) Where, the Director or, as the case Inay be, the authorised of?icor is satisfied either on u reference made, to him in this behalf or otherwise that the

recognition of any educational institution has been obtained by mis-representation as to an essential fact and therefore requires to be withdrawn, the Director or, as the case may be, the authorised officer, may, after giving an opportunity, to the person in charge of the management of the educational institution, of being heard, withdraw the recognition. (b) Where any person in charge of the management of a recognised educational institution has been after due inquiry in the prescribed manner by either the Director or the authorised officer found to have committed default in carrying out any of the obligations imposed on such person under this Act or the any instructions issued to him by the State Government, the rules or the Director or, as the case may be, the authorised officer, the Director or, as the case may be, the authorised officer shall after giving to such person an opportunity of being heard, withdraw the recognition of the educational institution for such period as he deems fit or permanently. (7) Any person aggrieved by the decision of the Director or the authorised officer under sub-section (3) or sub-section (6) may within a period of month from the date on which the decision is communicated to him appeal to the State Government and the State Government shall decide the appeal within two months from the date of the presentation of the petition of appeal and the decision in such appeal shall be final. GUJARAT GOVERNMENT GAZETTE, EX., 13-84 [PART IV odd to Schedule Right to send candidates for examination by Admission of students in recognised educational institutions. Appointment of Inspectors (8) The State Government may, on sufficient cause being shown direct any time that the recognition of the educational institution which has at any time been withdrawn may again be restored on such conditions and on payment of such fees as may be prescribed and on such further conditions as the State Government may deem fit to impose. (9) Where the recognition of an educational institution is withdrawn under sub-section (6) the certificate of recognition issued in relation to such shall be deemed to have been cancelled and such educational institution person shall forthwith surrender the certificate of recognition to the Director or the authorised officer. The cancellation of certificate of recognition shall be published by the Director or, as the case may be, the authorised officer in the Official Gazette and in such news papers as the Director or the authorised officer may select. 4. (1) Where the State Government is of the opinion that the establishment and maintenance of educational institutions for conducting courses of instruction leading to the grant of a certificate should be regulated by this Act it may by notification in the Official Gazette add to the Schedule such certificate and thereupon the Schedule shall be deemed to have been amended accordingly. (2) Every notification issued under sub-section (1) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature, may make, during the session in which it is so laid or the session immediately following. Any rescission or modification of the State Legislature shall be published in the Official Gazette and so made shall thereupon take effect. institution shall be entitled to send candidates to an examination held by the Board for grant of a Scheduled certificate unless such educational institution is recognised under this Act

6. No recognised educational institution shall admit any student in the institution except in accordance with the rules made in this behalf. Where the State Government may by notification in the Official Gazette appoint such persons as possess the prescribed qualification to be Inspectors for the purpose of this Act and assign to them such local limits as it may think fit. (2) No person shall be appointed under sub-section (1) or having been so who is or becomes directly or indirectly interested, shall continue to hold office, directly interested in an educational institution or in the courses of instruction conducted by it. PAM GUJARAT GAZETTE, EX., 1-3-84 (3) Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed (a) enter, with such assistants being persons in the service of the Government, as he thinks fit, any place which is used, or which he has reason to believe is used as an educational institution, (b) require the production of any document relating to the educational institution and take on the spot or Otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act, (c) exercise such other powers as may be prescribed for carrying out the purposes of this Act

8. A person in charge of management of every recognised educational institution shall furnish such information as the Director of Primary and Adult Education, Gujarat State or any officer authorised by the State Government in this behalf, may require for the purposes of this Act.9. (1)

Whoever contravenes provisions of sub-section (1) of section 3, Penalty. shall be punishable with imprisonment for term which may extend to two years and if the offence is a continuing one with a daily fine not exceeding two hundred rupees during the period of continuance of the offence. (2) Whoever contravenes any of the, provisions of this Act (other than sub-section (1) of section 3) or of any rule, or any of the conditions imposed under this Act or fails to comply with any order or requisition issued under this Act or any rule or condition, shall be punishable with imprisonment for a term which may extend to one year, and with fine which may extend to five thousand rupees and if the offence is a continuing one with a daily fine not exceeding one hundred rupees during the period of continuance of the offence. 10. (1)

Where an offence under this Act has been committed by a company, Offence by every person who at the time the offence was committed was responsible to the company for the conduct of its business as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect, on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.—For the purposes of this section— (a) 'company' means any body corporate and includes a firm or other association of individuals, and (b) 'director' in relation to a firm means a partner in the firm. GUJARAT GOVERNMENT GAZETTE,

EX., 7-3." [PART IV to retain offences to be cognizable. Protection of action taken under this Act, Power to make rules. If, Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable, 12. No suit, prosecution or other legal proceeding shall lie against the State Government, the Director of Primary and Adult Education, Gujarat State or any officer or servant of the State Government for anything which is in good faith done or purported or intended to be done in pursuance of this Act, rules or conditions imposed under this Act. 13. (1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following purposes, namely (a) the

form in which and the fees on the payment of which an application may be made under clause (a) of sub-section (2) of section 3; (b) other requirements connected with the recognition of the educational institution under sub-clause (c) of section 3; (d) the manner in which an inquiry shall be made by the Director or the authorised officer under sub-section (3) of section 3; (e) the conditions including conditions as to the type of the building and number, qualifications and conditions of service of teaching and non-teaching staff, which may be imposed in relation to an educational institution while recognising such institution under sub-section (4) of section 3; (f) the form in which a certificate of recognition shall be given under sub-section (5) of section 3; (g) the manner in which the inquiry may be made by the Director or the authorised officer under clause (b) of sub-section (6) of section 3; (h) the conditions on which and the fees on the payment of which recognition may be restored under sub-section (8) of section 3; (i) rules for admission of students in recognised educational institutions under section 6; (j) the qualifications to be possessed by persons to be appointed as inspectors under sub-section (1) of section 7; (k) the rules subject to which an Inspector may exercise powers in sub-section (3) of section 7 and other powers which may be exercised by an Inspector under clause (c) of the said sub-section (3); (l) any other matter which is to be or may be, prescribed under this Act. PART GUJARAT

GOVERNMENT GAZETTE, EX., 7-3-84 10-7 (3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following. (4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

14. Notwithstanding anything contained in the second proviso to clause (a) of sub-section (2) of section 3, no existing educational institution maintained by a person (being a person who has been authorised under the said second proviso) shall be entitled to send candidates to an examination to be held by the Board in the year 1983-84 and thereafter, unless such existing educational institution is receiving aid out of State funds. 15. (1) The Gujarat Educational Institutions (Regulation) Ordinance, 1984 and is hereby repealed. (2) Notwithstanding such repeal anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act. (3) SCHEDULE (See section 2 (f)) Certificates leading to which the educational institutions conduct courses of instruction. (1) Pre-primary Teachers Certificate. (2) Primary Teachers Certificate. PRINTED AT GOVERNMENT CENTRAL PRESS. GANDHINAGAR.