

PUNJAB REGULATION OF FEE OF UN-AIDED EDUCATIONAL INSTITUTIONS ACT, 2016.

N] GOV I. GAZ. (lux MBER 2016 (PASWA 2, 1 938 SAKA) GOVERNMENT OF PUNJAB 191 OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB NOTIFICATION The 23rd 2016 No. 54-Leg./2016.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 22nd day of December, 2016, is hereby published for general information:- THE PUNJAB REGULATION OF FEE OF UNAIDED EDUCATIONAL INSTITUTIONS ACT, 2016 (Punjab Act No. 47 of 2016) AN ACT to provide for the constitution of Regulatory Body with a view to provide a mechanism for the purpose of regulating fee of un-aided educational institutions in the State of Punjab and for the matters connected therewith or incidental thereto. BE it enacted by the Legislature of the State of Punjab in the Sixty- seventh Year of the Republic of India as follows: - (1) This Act may be called the Punjab Regulation of fee of Un-aided Short title and I. enunciate. Educational Institutions Act, 2016. It shall come into force on and with effect from the date of its (2) publication in the Official Gazette, In this Act, unless the context otherwise requires,- 'academic year' means a period of twelve months prescribed as (a) such, and (b) academic years may be prescribed in different classes of institutions; 'affiliation' means inclusion of (i) an institution in the (b) approved list of affiliated institutions with the Punjab School Education Board or any other such board or authority, approved and authorized by the Central Government for admitting it to the privileges of the said board or authority; (c) definitions. (1) UNJAB GOV I. GAZ. (1x IRA), DECEMBER 23, 2016 192 (PASUA 2, 1938 SAKA) appropriate authority' means,- in the case of an unaided educational institution recognized or to be recognized by an authority, authorized by the State Government, that authority; and in the case of an unaided educational institution recognized or (ii) to be recognized by an authority, authorized by the Central Government, that authority; (d) Body' means the Regulatory Body, constituted under section 3; (e) 'complaint' means an allegation made in writing to the Regulatory (e) Body by a student studying in an Unaided Educational Institution or by his parents or guardians, as the case may be, containing a grievance of charging excessive fee or of doing or asking to do any other activity with a motive to gain financial benefit or profit by the Unaided Educational Institution; (f) 'commercialization or profiteering or profit or financial gain' means an activity of charging fee by an Un-aided Educational Institution any student or parents or guardians in excess of the fee, as fixed or increased under section 5; (g) 'fee' means any amount by whatever name it may be called, which (g) is charged directly or indirectly by an Unaided Educational Institution (h) (i) (j) for admission of a student for education to any standard of course of Study; 'Fund' means the Unaided Educational Institution Development Fund constituted under section 9; 'Government' means the Government of the State of Punjab in the Department of School Education; 'local authority' means a Municipal Corporation, Municipal Committee, Notified Area Committee, Town Improvement Trust, Panchayat Samiti or Gram Panchayat or any other authority entrusted with their functions under any law for the time being in force; (k) 'minority institution' means an educational institution established and administered by a minority whether based on religion or language having the right to do so under clause (l) of article 30 of the I. (IA IRA), 'B (P 29 1938 SAKA) Constitution of India; 2016 193 prescribed s means prescribed by rules this Act by the section' means section of this Act; and (l) (n) (o) 'Unaided Educational Institution' means an affiliated private school, established and administered by any person or body of persons, imparting education up to 10+2 level including a minority institution which does not receive any aid from the Government, but does not include,- an aided school; and (ii) a school established and administered or maintained by the Central Government or State Government or any local authority. There shall be constituted a Regulatory Body to be known as the Constitution of (1) 3. Regulatory Body for Regulating Fee of Un-aided Educational Institutions at Regulatory Body the Divisional Level in the State of Punjab to exercise the powers conferred upon and perform the functions assigned to it under this Act. (2) The Regulatory Body shall consist of the following, namely:- (a) Divisional Commissioner of the concerned division; (b) Circle Education Officer of the concerned division; (c) District Education Officer (Secondary Education) posted at the concerned headquarter of the division; (d) District Education Officer (Elementary Education) posted at the concerned headquarter of the division; (e) "Two members, to be nominated by the Government from amongst the eminent educationists of the concerned division; (f) One

4. The office of the Regulatory Body shall be located at the Headquarter of the concerned Division

increasing fee, an Unaided Educational Institution cannot indulge in profiteering and it cannot charge capitation fee. (l) For fixing or increasing fee structure by an unaided educational 6. institution, the

capitation fee. (2) The fee fixed under sub-section (1), shall be displayed by every Unaided Educational Institution at the conspicuous place in the School premises. (3) The Unaided Educational Institution shall also ensure that the fee or funds charged by it from the parents or guardians, are not diverted from such

hear complaints the students or their parents or guardians Regulatory Body, with regard to the charging of excessive fee or for doing or asking to do any other activity with a motive to gain financial benefit or profit in contravention of the provisions of this Act by any Unaided Educational Institution; to ensure that

the motive to earn profit; to ensure that increase in the fee undertaken by an Un-aided Educational Institution is justified and necessitated by the circumstances like increase in expenditure or because of needed developmental activities, and does not result into profiteering; and to check that funds charged

Unaided Educational Institution in order to verify the information, (1) Every Unaided Educational Institution shall constitute a Fund, to Constitution of 9. be called the Unaided Educational Institution Developnwnwt Fund. (2) The following shall be credited to the Fund, ntunely:- (a) fee; (b) charge; (c) funds;

not be used for any personal gains of business or enterprise by the Un-aided Educational Institution. (3) The Fund can be used by the Un-aided Educational Institution for the activities, which are beneficial to the students. (4) No amount shall be diverted from the Fund by the Unaided Educational Institution to the

may be, may make complaint to the Regulatory Body with regard to any excessive fee or charge being charged or for doing or asking to do any other activities with a motive to gain financial benefit or profit by the said institution. (2) The complaint referred to in sub-section (1), shall be accompanied by a self attested affidavit disclosing particulars of the concerned Un-aided Educational Institution along with the name and address of the complainant. (3) Any complaint received under this Act, shall be scrutinized by the Regulatory Body within a period of fifteen days from the date of its receipt in accordance with the prescribed procedure, and it shall be finally decided within sixty days. After scrutinizing a complaint under sub-section (3), the Regulatory Body finds any substance in it, the Regulatory Body shall give an opportunity of being heard to the concerned Un-aided Educational Institution before taking any final decision on such complaint. Section 12. The Regulatory Body shall, for the purpose of any enquiry under this Act, have the same powers as are vested in a civil court while using a suit like evidence. under the Code of Civil Procedure, in respect of the following matters, namely:- (a) enforcing the attendance of any person or examining him on oath; (b) requiring the discovery and production of documents; (c) issuing commission for the examination of witnesses. (d) (1) The Regulatory Body shall meet at such time and place as the Procedure to be 13. Chairperson may decide. followed by (2) The Regulatory Body shall follow such procedure of working, as Regulatory Body. may be prescribed (3) All orders and decisions of the Regulatory Body shall be authenticated by the Member- Secretary or any other officer, authorized by him. If any Un-aided Educational Institution contravenes the provisions Penalties. 14. (1) of this Act or the rules made thereunder, it shall be punishable with fine, which may extend to thirty thousand rupees in the case of an Un-aided Educational Institution of Primary Level, rupees fifty thousand in the case of an Un-aided Educational Institution Middle Level, and rupees one lac in the case of an Un-aided Educational Institution of Secondary and Senior Secondary Level for each contravention. (2) If an Un-aided Educational Institution contravenes the provisions of this Act or the rules made thereunder for the second time, it shall be punishable with fine, which shall be sixty thousand rupees in the case of an Un-aided Educational Institution of Primary Level, rupees one lac in the case of an Un-aided Educational Institution of Middle level, and rupees two lac in the case of an Un-aided Educational Institution of Secondary and Senior Secondary Level for each contravention. If an Un-aided Educational Institution contravenes the provisions (3) of this Act or the rules made thereunder for the third time, then besides imposing penalty as mentioned in sub-section (2), the Regulatory Body shall direct the concerned authority to withdraw recognition or affiliation of such Un-aided Educational Institution. (4) The Regulatory Body may direct the Un-Aided Educational Institution to refund the fee in excess of the fee as displayed by such institution. 15. Any person or Un-aided Educational Institution aggrieved by any direction Appeal. Or order passed under this Act, may file an appeal to the Government within a period of forty five days from the date of passing of such order or direction

16. NO civil court shall have jurisdiction to settle, decide or deal with any Bar of Jurisdiction of question or to determine any matter, which is by or under this Act is required to civil courts. be settled, decided or determined by the Regulatory Body. PUNJAB GAZ. (EXTRA), 23, 20 198 (PASTA 2, 1938 SAKA) 17. No suit, prosecution or other legal proceedings shall lie against the Chairperson or any officer of the Regulatory Body or any officer or other Accounts and audit. Annual report. Staff of the Regulatory Body. (a) remove difficulties. Power to issue directions. Power to make rules. or any person acting under the direction either of the Government or of the Regulatory Body, in respect of anything, is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules or orders made thereunder. 18. (1) Every Unaided Educational Institution shall maintain proper accounts and charges, and also maintain other relevant record and prepare annual statement of accounts in such form and manner, as may be prescribed. (2) The accounts maintained under sub-section (1), shall be audited by (2) a qualified Chartered Accountant

19. Every Un-aided Educational Institution shall prepare, in such form and at such time for each academic year, as may be prescribed, its annual report by a qualified Chartered Accountant giving full account of its fees, received during the previous academic year and forward a copy thereof to the Regulatory Body

20. The Government in consultation with the Chairperson shall provide such officers and employees, as may be decided by it to discharge the functions of the Regulatory Body under this

Act. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order in writing, make such provision including any adaptation or modification of any provision of this Act, as appears to it, to be necessary or expedient for the purpose of removing the difficulty

22. The Government may, till the time, issue such directions to the Regulatory Body, as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the Regulatory Body to comply with such directions.

(1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. (2) Every rule made under this Act shall be laid as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter, have effect only in such 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 or omitted to be done under that rule. VIVEK PURI, Secretary to Government of Punjab, Department of Legal and Legislative Affairs. 1166/12-2016/11). Govt. Press, S.A.S. Nagar

