From

The District Education Officer,
UT, Chandigarh.

To

The Principal,
Unaided Private Recognized Schools,
In UT, Chandigarh.

Memo No. DEO/UT/CA/2018/ 29371-72
Dated Chandigarh, the 20/11/18


Please refer to the subject cited above.

The Notification issued by Ministry of Home Affairs, Govt. of India, New Delhi vide dated 13th April, 2018 regarding regulating fee of Unaided Educational Institutions in the Union Territory of Chandigarh is enclosed herewith for your information and necessary action please.

Further, the Notification (13.04.2018) and copy of the Regulatory Body for Regulating Fee of Unaided Educational Institutions in Union Territory of Chandigarh is also available on the website of the Education Department.

Endst No. Even

Dated:

A copy is forwarded to the Director School Education, Chandigarh Administration for information and necessary action.

District Education Officer,
UT, Chandigarh.
MINISTRY OF HOME AFFAIRS
NOTIFICATION

New Delhi, the 13th April, 2018

S.O. 1599(ED)—In exercise of the powers conferred by section 87 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby extends to the Union Territory of Chandigarh, the Punjab Regulation of Fee of Unaided Educational Institution Act, 2016 (Punjab Act No. 47 of 2016), as in force in the State of Punjab on the date of publication of this notification, subject to the following modifications, namely:-
1. Throughout the Act, for the words “the Government”, or “the State Government” wherever they occur, the words “the Administrator” shall be substituted.

2. In section 1, in sub-section (1), after the words “the Punjab Regulation of Fee of Unaided Educational Institutions Act, 2016”, the words “as extended to the Union territory of Chandigarh” shall be inserted.

3. In section 2,-
   (i) after clause (a), the following clause shall be inserted, namely:-

   “(aa) ‘Administrator’ means the Administrator of the Union territory of Chandigarh appointed by the President under article 239 of the Constitution;”;

   (ii) in clause (b), for the words “Punjab School Education Board”, the words “Central Board of Secondary Education” shall be substituted;

   (iii) clause (i) shall be omitted.

4. In section 3,-
   (a) in sub-section (1), the words “at Divisional Level in the State of Punjab”, the words “in the Union territory of Chandigarh” shall be substituted;

   (b) for sub-section (2), the following sub-section shall be substituted, namely:-

   “(2) The Regulatory Body shall consist of the following members, namely:-

   (a) Education Secretary, Chandigarh Administration

   (b) Director School Education, Chandigarh Administration

   (c) Deputy Director School Education

   (d) District Education Officer, Chandigarh Administration

   (e) Two members to be nominated by Administrator of the Union Territory of Chandigarh from amongst the eminent educationist of Chandigarh

   (f) One member to be nominated by the Chairperson from amongst the Deputy Controllers (Finance and Accounts) or Assistant Controllers (Finance and Accounts) posted in the Education Department of Chandigarh Administration.

5. In section 4, for the words, “at the Headquarter of the concerned Division”, the words “in the Union Territory of Chandigarh” shall be substituted.

6. In section 5, after the third proviso, the following proviso shall be inserted, namely:-

   “Provided further that every Unaided Educational Institution shall-

   (a) upload income, expenditure account and balance sheet on its website;

   (b) at charge any kind of cost from the parents;

   (c) disclose complete fee structure at the beginning of the academic year in the Booklet issued, along with the admission form, by the schools and also be posted in its website;

   (d) not raise the fee any time during the academic session.”.

7. In section 10, for sub-section (4), the following sub-sections shall be substituted, namely:-

   “(4) No part of income from the Unaided Educational Institution shall be diverted to any individual in the trust or society or company or School Management Committee or any other person.

   (5) The savings, if any, after meeting the recurring and non-recurring expenditure and contributions to developmental, depreciation and contingency funds may be utilised for promoting the concerned Unaided Educational Institutions.”
(6) The channeling of funds by the management to any person or enterprise, other than for furthering education in the Unaided Educational Institution shall be deemed to be contravention of the rules governing affiliation and appropriate action shall be taken by the Chandigarh Administration or Affiliating Board, as the case may be.

8. In section 14—

(a) in sub-section (1) for the words, "thirty thousand rupees", "rupees fifty thousand" and "rupees one lac", the words "sixty thousand rupees", "one lakh rupees" and "two lakh rupees" shall respectively be substituted;

(b) in sub-section (2) for the words, "sixty thousand rupees", "rupees one lac" and "rupees two lac", the words "one lakh twenty thousand rupees", "two lakh rupees" and "four lakh rupees" shall respectively be substituted.

9. In section 15, for the words "the Government" the words "the Administrator or an officer authorised by the Administrator" shall be substituted.

10. In sub-section (2) of section 23—

(a) for the words "the House of the State Legislature", the words, "each House of Parliament" shall be substituted;

(b) for the words "ten days", the words "thirty days" shall be substituted.

ANNEXURE

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. Short title and commencement.—(1) This Act may be called the Punjab Regulation of fee of Un-aided Educational Institutions Act, 2016.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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

(a) "academic year" means a period of twelve months prescribed as such, and different academic years may be prescribed for different classes of institutions;

(b) "affiliation" means inclusion of the name of an institution in the 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) "appropriate authority" means—

(i) in the case of an unaided educational institution recognized or to be recognized by an authority authorized by the State Government, that authority; and

(ii) in the case of an unaided educational institution recognized or to be recognized by an authority authorized by the Central Government, that authority;

(d) "Regulatory Body" means the Regulatory Body, constituted under section 3;

(e) "complaint" means an allegation made in writing to the Regulatory 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 from 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 is charged directly or indirectly by an Unaided Educational Institution for admission of a student for education to any standard of course of Study;

(h) "Fund" means the Unaided Educational Institution Development Fund constituted under section 9;

(i) "Government" means the Government of the State of Punjab in the Department of School Education;
(j) '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 (1) of article 30 of the Constitution of India;

(l) 'prescribed' means prescribed by rules made under this Act by the Government;

(m) 'section' means section of this Act; and

(n) '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:-

(i) an aided school; and

(ii) a school established and administered or maintained by the Central Government or State Government or any local authority.

3. Constitution of Regulatory Body.—(1) There shall be constituted a Regulatory Body to be known as the Regulatory Body for Regulating Fee of Un-aided Educational Institutions at 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; Chair-person;

(b) Circle Education Officer of the concerned Member; Secretary; Division;

(c) District Education Officer (Secondary Member; Education) posted at the concerned Headquarter of the division;

(d) District Education Officer (Elementary Member; Education) posted at the concerned Headquarter of the division;

(e) Two members to be nominated by the Nominated Member; Government from amongst the eminent educationist of the concerned division;

(f) One member to be nominated by the Divisional Nominated Members. Commissioner from amongst the Deputy Controllers (Finance and Accounts) working in the concerned division.

(3) The nominated members referred to in sub-section (2), shall be paid such remuneration and travelling allowance for attending the meeting of the Regulatory Body, as may be prescribed.

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

5. Power to fix and increase fee.—An Unaided Educational Institution shall be competent to fix its fee and it may also increase the same after taking into account the need to generate funds to run the institution and to provide facilities necessary for the benefit of the students:

Provided that while fixing or increasing fee, the factors mentioned in sub-section (1) of section 6, shall be kept in view by the Unaided Educational Institution:

Provided further that increase in fee shall not exceed eight per cent of the fee of the previous year, charged by the Unaided Educational Institution.

Provided further that while fixing or increasing fee, an Unaided Educational Institution cannot indulge in profiteering and it cannot charge capitation fee.

6. Factors to be taken into consideration for fixing or increasing fee.—(1) For fixing or increasing fee structure by an unaided educational institution, the following factors shall be kept in view, namely:-

(a) the infrastructure and facilities available or to be made available in the Unaided Educational Institution;
(c) future plans for expansion and betterment of institution, subject however, to the restrictions of non-
profiteering and non-charging of 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 institution to the society or the trust, as the case may be, which runs such
institution or to any other institution, except as permissible under sub-section (4) of section 10.

7. Powers and functions of the Regulatory Body.—Subject to the provisions of this Act, the Regulatory Body shall
exercise the powers and discharge the functions as mentioned below.-

(a) to hear complaints from the students or their parents or guardians 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;

(b) to ensure that the Unaided Educational Institutions are not indulging in commercialization of education;

(c) to check that the fee structure is being kept within the limits as provided under this Act so as to avoid
profiteering;

(d) to strike a balance between autonomy of an Unaided Educational Institution, and measures to be taken in avoiding
commercialization of education;

(e) to check excessive hike in fee by an Unaided Educational Institution with the motive to earn profit;

(f) 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

(g) to check that funds charged from the students are not diverted to any other purpose, except as permissible
under sub-section (4) of section 10.

8. Jurisdiction of the Regulatory Body.—Notwithstanding anything contained in this Act, the Regulatory Body may, if on
information is satisfied that an Un-aided Educational Institution has contravened or is contravening any of the provisions
of this Act, it may call for the relevant record of such Unaided Educational Institution in order to verify the information.

9. Constitution of fund.—(1) Every Unaided Educational Institution shall constitute a Fund, to be called the Unaided
Educational Institution Development Fund.

(2) The following shall be credited to the Fund, namely:-

(a) fee;

(b) charge;

(c) funds;

(d) any other charge or sum, which may be realized by the Unaided Educational Institution for any purpose; and

(e) any contributions, endowments or gifts received by the Un-aided Educational Institution.

10. Utilization of Fund.—(1) The Fund shall be utilized for the betterment and development of the concerned Unaided
Educational Institution.

(2) The Fund or any profit accrued therefrom shall not be used for any personal gains or 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 whatsoever shall be diverted from the Fund by the Unaided Educational Institution to the Society or
the Trust or any other institution, except under the management of the same Society or Trust.

11. Complaint.—(1) Any student studying in an Unaided Educational Institution or his parents or guardians, as the case
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.

(4) If 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.

12. Power to summon witnesses and take evidence.—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 trying a suit under the Code of Civil Procedure, 1908 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) receiving evidence on oath by way of affidavit; and
(d) issuing commission for the examination of witness.

13. Procedure to be followed by the Regulatory Body.—(1) The Regulatory Body shall meet at such time and place as the Chairperson may decide.

(2) The Regulatory Body shall follow such procedure of working, as 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.

14. Penalties.—(1) If any Un-aided Educational Institution contravenes the provisions 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 of 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.

(3) If an Un-aided Educational Institution contravenes the provisions 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. Appeal.—Any person or Un-aided Educational Institution aggrieved by any direction 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. Bar of Jurisdiction of civil courts.—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter, which is by or under this Act required to be settled, decided or determined by the Regulatory Body.

17. Protection of actions taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Chairperson or any member of the Regulatory Body or any officer or other employee or any person acting under the direction either of the Government or of the Regulatory Body, in respect of anything, which 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. Accounts and audit.—(1) Every Unaided Educational Institution shall maintain proper accounts of fee and charges, and also maintain other relevant record and prepare annual statement of accounts in such form, as may be prescribed.

(2) The accounts maintained under sub-section (1), shall be audited by a qualified Chartered Accountant.

19. Annual report.—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. Staff of the Regulatory Body.—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.

21. Power to remove difficulties.—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. Power to issue directions.—The Government may, from time to 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.


(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 session 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 modified from 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.

[F.No. U-11020/3/2017-UTL]

PRAVEEN KUMAR SRIVASTAVA, Additional Secy.
No.DSE-UT-A4-24(8)2013 Chandigarh, dated, the 25-09-2018

In exercise of the powers conferred under Section 3 of “The Punjab Regulation of Fee of Unaided Educational Institution Act 2016” (Punjab Act No.47 of 2016) as extended to Union Territory, Chandigarh by the Government of India, Ministry of Home Affairs, New Delhi vide notification dated 13th April, 2018, the Administrator, Union Territory, Chandigarh is pleased to constitute the Regulatory Body for Regulating Fee of Unaided Educational Institutions in the Union Territory, of Chandigarh to exercise the powers conferred upon and perform the functions assigned to it under this Act, which shall consist of the following:-

(a) Education Secretary, Chandigarh Administration Chairperson
(b) Director School Education, Chandigarh Administration Member Secretary
(c) Deputy Director School Education, Education Department, Chandigarh Administration. Member
(d) District Education Officer, Chandigarh Administration Nominated Member
(e) Mrs. Seema Sharma, Assistant Controller(F&A) (Colleges) Education Department, Chandigarh Administration. Nominated Member
(f) Prof. Krishan Kumar, Ex-Director, NCERT House No.114,(first floor), Sector 36-A,Chandigarh Nominated Member
(g) Sh. Shiv Kumar Sharma, Ex-Assistant Director Education Department, UT Chandigarh (House No.2260, Sector 19, Chandigarh).

The term of the said Body will be one year.

Dated, Chandigarh, the 18th September, 2018

B.L. Sharma, IAS Education Secretary Chandigarh Administration.

Endst. No.DSE-UT-A4-24(8)2013 Chandigarh, dated, the 25-09-2018


Director School Education, Chandigarh Administration.

Endst. No.DSE-UT-A4-24(8)2013 Chandigarh, dated, the 25-09-2018

A copy is forwarded to the Controller, Printing & Stationery, union Territory, Chandigarh with the request that this notification may be published in the Chandigarh Administration Gazette (Extra Ordinary) and 30 copies thereof be supplied to this Department for official use.

Director School Education
Chandigarh Administration.