

Maharashtra Self-Financed Schools (Establishment And Regulation) (Second Amendment) Act, 2013

19 OF 2013

[21 August 2013]

CONTENTS

1. Short title and commencement
2. Amendment of section 2 of Mah. I of 2013
3. Amendment of section 3 of Mah. I of 2013
4. Amendment of section 4 of Mah. I of 2013
5. Amendment of section 6 of Mah. I of 2013
6. Amendment of section 7 of Mah. I of 2013
7. Amendment of section 8 of Mah. I of 2013
8. Amendment of Schedule A of Mah. I of 2013
9. Amendment of Schedule C of Mah. I of 2013
10. Repeal of Mah. Ord. XII of 2013 and saving

Maharashtra Self-Financed Schools (Establishment And Regulation) (Second Amendment) Act, 2013

19 OF 2013

[21 August 2013]

An Act further to amend the Maharashtra Self-financed Schools (Establishment and Regulation) Act, 2012.

WHEREAS both Houses of the State Legislature were not in session; AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Self-financed Schools (Establishment and Regulation) Act, 2012, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Self-financed Schools (Establishment and Regulation) (Second Amendment) Ordinance, 2013, on the 2nd July 2013; AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :-

1. Short title and commencement :-

- (1) This Act may be called the Maharashtra Self-financed Schools (Establishment and Regulation) (Second Amendment) Act, 2013.
- (2) It shall be deemed to have come into force on the 2nd July 2013.

2. Amendment of section 2 of Mah. I of 2013 :-

In section 2 of the Maharashtra Self-financed Schools (Establishment and Regulation) Act, 2012 (hereinafter referred to as " the principal Act"), in sub-section (1),-

- (1) clause (f) shall be deleted;
- (2) in clause (l), the words " pre-primary school, " shall be deleted.

3. Amendment of section 3 of Mah. I of 2013 :-

In section 3 of the principal Act,-

- (1) existing section 3 shall be re-numbered as sub-section (1) thereof;

- (2) the words " pre-primary or " shall be deleted ;

- (3) for the figures, letters and word " 30th June " the figures, letters and word " 31st July " shall be substituted ;

- (4) after the proviso, the following proviso shall be added, namely :-

" Provided further that, for the academic year 2014-2015, such application shall be made before the 8th August 2013.";

- (5) after sub-section (2) as so re-numbered, the following sub-sections shall be added, namely :-

" (2) The Government may prescribe detailed procedure for processing the applications received under sub-section (1) including procedure for declaration of eligibility, issuing of Letter of Intent and Letter of Approval.

- (3) If, in the Development Plan, the Competent Authority has reserved the plot for education purposes having area less than the area specified in entry (12) of Schedule A, in such case, the Government may relax the condition regarding area of land specified in entry (12) :

Provided that, for the academic year 2013-2014, such relaxation may be made with retrospective effect.

- (4) The condition regarding area of land specified in entry (12) of Schedule A, shall not be applicable for the proposals of up-gradation of schools having complied with the norms and standards required under the Right of Children to Free and Compulsory Education Act, 2009.

(5) If, any registered trust or a registered society or a local authority has submitted the application for establishing a new school under sub-section (1) and complied with all conditions, except the requirement of registered documents specified in entry (11) of Schedule A, in such case, the Government may grant permission to establish a new school applied for, if such trust or society or local authority has submitted the duly registered documents before issuing the Letter of Intent:

Provided that, for the academic year 2013-2014, such duly registered documents shall be submitted before the 15th July 2013."

4. Amendment of section 4 of Mah. I of 2013 :-

In section 4 of the principal Act, in sub-section (1), for the portion beginning with the words " specified in Schedule C " and ending with the words "District Education Officer." , the following shall be substituted, namely :-

" specified in Schedule C as fixed deposit in any Bank. However, before issuing the Letter of Intent, the said amount shall be deposited jointly in the name of the management and the concerned District Education Officer (Secondary) by way of National Saving Certificate or Fixed Deposit in any Nationalized Bank as security deposit towards creating an endowment fund; and pledge, such Certificate or Fixed Deposit with the concerned District Education Officer. Such Certificate or Deposit shall be made for a period of minimum three years subject to the condition of further renewal :

Provided that, for the academic year 2013-2014, the Government may relax the condition of deposit in the joint name however, subject to the condition that such amount shall be deposited in the Nationalized Bank before the 15th July 2013."

5. Amendment of section 6 of Mah. I of 2013 :-

In section 6 of the principal Act,-

(1) in sub-section (1), for the figures, letters and word " 31st October " the figures, letters and word "30th September" shall be substituted;

(2) in sub-section (2), after the words " if any, received " the words and brackets " along with self-explanatory recommendation of the Director of Education (Secondary and Higher Secondary)" shall be added.

6. Amendment of section 7 of Mah. I of 2013 :-

In section 7 of the principal Act, in sub-section (2), the following proviso shall be added, namely :-

" Provided that, the State Government may, after due verification and recording reasons, review any such decision including for the academic year 2013-2014."

7. Amendment of section 8 of Mah. I of 2013 :-

In section 8 of the principal Act, in sub-section (1), for the figure, letters and words " 1st May of the academic year " the figures, letters and words " 30th November of the year referred to in section 3 " shall be substituted.

8. Amendment of Schedule A of Mah. I of 2013 :-

In Schedule A of the principal Act,-

(1) in entry (2), the words " Pre-primary or " shall be deleted;

(2) in entry (5), for the words " Primary or Upper-primary or Secondary or Higher Secondary", the following shall be substituted, namely :-

" Primary to Upper Primary or Upper Primary to Secondary or Secondary to Higher Secondary " ;

(3) in entry (11),-

(a) for clause (a), the following clause shall be substituted, namely:-

" (a) Land in the name of registered trust or registered society or local authority:" ;

(b) clause (c) shall be deleted;

(4) in entry (12) for clauses (b) and (c) the following clause shall be substituted, namely:-

"(b) One acre in city and rural area :".

9. Amendment of Schedule C of Mah. I of 2013 :-

In Schedule C of the principal Act, in entry (a), the words " or pre-primary attached to primary " shall be deleted.

10. Repeal of Mah. Ord. XII of 2013 and saving :-

(1) The Maharashtra Self-financed Schools (Establishment and Regulation) (Second Amendment) Ordinance, 2013, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.