

**Rajasthan Schools (Regulation Of Collection Of Fee) Act,
2013**

14 of 2013

[09 April 2013]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Prohibition of collection of excess fee
4. Fixation of fee by the Government
5. Constitution of committee
6. Factors for determination of fee
7. Powers and functions of the committee
8. Regulation of accounts
9. Penalties
10. Offences by companies
11. District Committee
12. Cognizance of offences
13. Operation of other laws
14. Protection of action taken in good faith
15. Power to remove difficulties
16. Power to make rules

**Rajasthan Schools (Regulation Of Collection Of Fee) Act,
2013**

14 of 2013

[09 April 2013]

PREAMBLE

An Act to provide for the regulation of collection of fee by schools in the State of Rajasthan and matters connected therewith and incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Sixty-fourth Year of the Republic of India, as follows:--

1. Short title, extent and commencement :-

(1) This Act may be called the Rajasthan Schools (Regulation of Collection of Fee) Act, 2013.

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

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

2. Definitions :-

In this Act, unless the context otherwise requires,--

(a) "academic year" means any period of twelve months prescribed as such in the rules and different academic years may be prescribed for different class of schools;

(b) "aided school" means a school receiving any sum of money as aid from the State Government;

(c) "committee" means the committee constituted under Sec. 5;

(d) "District Committee" means the District Committee constituted under Sec. 11;

(e) "fee" means any amount, by whatever name called, collected, directly or indirectly, by a school for admission of a pupil to any Standard and course of study;

(f) "Government" means the State Government of Rajasthan;

(g) "Government school" means a school being run by the Government or any local authority;

(h) "local authority" means a Municipality constituted under the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) or a Panchayati Raj Institution constituted under the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994);

(i) "management", in relation to a school, means the committee of management constituted under Sec. 9 of the Rajasthan Non-Government Educational Institutions Act, 1989 (Act No. 19 of 1992) and includes any person, body of persons, committee or any other governing body, by whatever name called, in whom the power to manage or administer the affairs of a school is vested;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "private school" means a school established and administered or maintained by any person or body of persons and which is a recognized institution within the meaning of clause (q) of Sec. 2 of the Rajasthan Non-Government Educational Institutions Act, 1989 (Act No. 19 of 1992), but does not include---

(i) an aided school;

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

(l) "rule" means the rules made under this Act;

(m) "school" means an institution of learning imparting education up to 10+2 level.

3. Prohibition of collection of excess fee :-

(1) No Government school or aided school shall collect fee in excess of the fee fixed by the Government for admission of pupils to any Standard or course of study in that school.

(2) No fee in excess of the fee determined by the committee under this Act shall be collected for admission of pupils to any Standard or course of study in a private school,--

(a) by any person who is in charge of, or is responsible for, the management of such private school; or

(b) by any other person either for himself or on behalf of such private school or on behalf of the management of such private school.

4. Fixation of fee by the Government :-

The Government shall fix the fee for admission of the pupils to any Standard or course of study in Government schools and aided schools.

5. Constitution of committee :-

(1) The Government shall constitute a committee for the purpose of determination of the fee for admission to any Standard or course of study in private schools.

(2) The committee shall consist of the following members, namely:-
-

(a) a retired High Court Judge, nominated by the Government-Chairperson;

(b) Secretary, School and Sanskrit Education Department, Government of Rajasthan-Ex-officio member;

(c) Director of Secondary Education-Ex-officio member;

(d) Director of Elementary Education-Ex-officio member;

(e) Director of Sanskrit Education-Ex-officio member;

(f) Chief Engineer (Buildings) Public Works Department-Ex-officio member;

(g) Deputy Secretary, School Education (Group-5) Department-Ex-officio member-Secretary.

(3) The term of office of the Chairperson shall be for a period of three years from the date of his nomination and in the case of

vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder of the term.

(4) The Chairperson shall be eligible to draw such rate of sitting fee and travelling allowance as may be prescribed.

(5) No act or proceeding of the committee shall be invalid by reason only of the existence of any vacancy in, or any defect in, the constitution of the committee.

6. Factors for determination of fee :-

(1) The committee shall determine the fee leviable by a private school taking into account the following factors, namely:--

(a) the location of the private school;

(b) the available infrastructure;

(c) the expenditure on administration and maintenance;

(d) the reasonable surplus required for the growth and development of the private school;

(e) any other factors as may be prescribed.

(2) The committee shall, on determining the fee leviable by a private school, communicate its decision to the school concerned.

(3) Any private school aggrieved over the decision of the committee shall file their objection before the committee within thirty days from the date of receipt of the decision of the committee.

(4) The committee shall consider the objection of the private school and pass orders within thirty days from the date of receipt of such objection.

(5) The orders passed by the committee shall be final and binding on the private school for three academic years and thereafter the private school may apply for revision.

(6) The committee shall indicate the different heads under which the fee shall be levied.

7. Powers and functions of the committee :-

(1) The powers and functions of the committee shall be,--

(a) to determine the fee to be collected by private schools;

(b) to hear complaints with regard to collection of fee in excess of the fee determined by it or fixed by the Government, as the case may be. If the committee, after obtaining the evidence and explanation from the management of the private school" or aided school concerned or from the Government school, comes to the conclusion that the private school or the aided school or the Government school has collected fee in excess of the fee

determined by the committee or fixed by the Government, as the case may be, it shall recommend to the appropriate authority for the cancellation of the recognition of the private school or the aided school or for any other course of action as it deems fit in respect of the private school or the aided school or the Government school.

(2) The committee shall have power to,--

(a) require each private school to place before the committee the proposed fee structure of such school with all relevant documents and books of accounts for scrutiny within such date as may be specified by the committee;

(b) verify whether the fee proposed by the private school is justified and it does not amount to profiteering or charging of exorbitant fee.

(3) The committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall for the purpose of making any inquiry under this Act, have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) while trying a suit, in respect of the following matters, namely:--

(a) summoning and enforcing the attendance of any witness and examining him or oath;

(b) the discovery and production of any document;

(c) the receipt of evidence on affidavits;

(d) the issuing of any commission for the examination of witness.

8. Regulation of accounts :-

The Government may regulate the maintenance of accounts by the private schools in such manner as may be prescribed.

9. Penalties :-

(1) Whoever contravenes the provisions of this Act or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which may extend to fifty thousand rupees:

Provided that the court may, for any adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment for a term less than one year.

(2) The person convicted under this section shall refund to the pupil from whom the excess fee was collected in contravention of the provisions of this Act, such excess fee.

10. Offences by companies :-

(1) Where an offence against any of the provisions of this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, 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 had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-sec. (1), where any such offence 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 shall 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 trust, a firm, a society or other association of individuals, and

(b) "director" in relation to--

(i) a firm, means a partner in the firm;

(ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association with the management of the affairs of the society, trust or other association, as the case may be.

11. District Committee :-

(1) There shall be constituted by the Government a District Committee in every district, which shall consist of a Chairperson, who shall be an officer of the Education Department not below the rank of a District Education Officer, and such other members as may be prescribed.

(2) The District Committee or any member of the said committee authorized by it in this behalf may, at any time during the normal working hours of any private school, enter such private school or any premises thereof or any premises belonging to the

management of such private school, if it or he has reason to believe that there is or has been any contravention of the provisions of this Act or the rules made thereunder and search and inspect any record, accounts, register or other document belonging to such private school or of the management, in so far as any such record, accounts, register or other document relates to such private school and seize any such record, accounts, register or other document for the purpose of ascertaining whether there is or has been any such contravention.

(3) The provisions of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) relating to search and seizure shall apply, so far as may be, to search and seizure under sub-sec. (2).

12. Cognizance of offences :-

No court shall take cognizance of any offence under this Act except with the sanction of the Government or such officer as the Government may authorize in this behalf.

13. Operation of other laws :-

Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

14. Protection of action taken in good faith :-

No suit, prosecution or other legal proceeding shall be instituted against the Government or any officer thereof, the committee or its members, the District Committee or its members or any other authority or person empowered to exercise the power or perform the functions by or under this Act for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

15. Power to remove difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty:

Provided that no order under this section shall be made after the expiry of two years from the commencement of this Act.

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

16. Power to make rules :-

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) All rules made under this section shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may comprise in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any modification or annulment shall be without prejudice to the validity of anything previously done thereunder.