



The Gujarat Educational Institutions (Regulation) Act, 1984

Act 7 of 1984

Keyword(s):

Educational Institution, Existing Educational Institution, Scheduled Certificate

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 3rd March, 1984 is hereby published for general information.

K. M. SATWANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 7 of 1984.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 7th March, 1984).

An Act to provide for recognition of educational institutions established and maintained for conducting courses of instruction leading to grant of certain certificates in the State of Gujarat and for matters connected therewith.

It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Educational Institutions (Regulation) Act, 1984.

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

(3) It shall be deemed to have come into force on the 18th January, 1984.

Short title,
extent and
commence-
ment.

Definitions.

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

(a) “Board” means the Gujarat State Examination Board established by the State Government;

(b) “educational institution” means an educational institution conducting courses of instruction leading to grant of a Scheduled certificate;

(c) “existing educational institution” means—

(i) an educational institution established before the commencement 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 instruction is specified in the Schedule by issue of a notification under section 4 and maintained at the issue of such notification ;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “rules” means the rules made under this Act ;

(f) “Scheduled certificate” means any certificate specified in the Schedule.

Restriction
on estab-
lishment or
maintenance
of educa-
tional insti-
tution.

3. (1) No person other than the State Government shall after the commencement 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 to establish and maintain an educational institution or, as the case may be, to maintain an existing educational institution may make an application to the Director of Primary and Adult Education, 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 fees as may be prescribed :

Provided that a 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 commencement or, as the case may be, such issue to make an application under this sub-section :

Provided further that where a person referred 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 institution in respect of which such application has been made, till the day on which the recognition is granted or, as the case may be, refused, as if such existing educational institution was recognised for such period under this Act.

(b) The 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 made 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 educational institution, as may be prescribed.

(3) On receipt of an application made under sub-section (2), the Director or, as the case may be, the authorised officer shall consider and make an inquiry in respect of the need of the educational institution and such other matters as may be deemed necessary and relevant, in such manner as may be 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 be recognised or the application for recognition be rejected.

(4) The Director or the authorised officer may while recognising an educational institution impose such of the prescribed conditions in relation to such educational institution as he thinks fit.

(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 may be, the authorised officer is satisfied either on a 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 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 rules or any instructions issued to him by the State Government, 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 one 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.

(8) The State Government may, on sufficient cause being shown direct at any time that the recognition of the educational institution which has 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 educational institution shall be deemed to have been cancelled and such 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.

Power to add to Schedule.

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 so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Right to send candidates for examination by Board.

5. No educational 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.

Admission of students in recognised educational institutions.

6. No recognised educational institution shall admit any student in the educational institution except in accordance with the rules made in this behalf.

Appointment of Inspectors and their powers.

7. (1) 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 may 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 appointed, shall continue to hold office, who is or becomes directly or indirectly interested in an educational institution or in the courses of instruction conducted by it.

(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.

Reports.

9. (1) Whoever contravenes provisions of sub-section (1) of section 3, shall be punishable with imprisonment for a 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.

Penalty.

(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, 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 :

Offence by companies.

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.

- Certain offences to be cognizable. 11. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable. 2 of 1974.
- Protection of action taken in this Act. 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.
- Power to make rules. 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 (ii) of clause (b) of sub-section (2) of section 3;
 - (c) the manner in which an inquiry shall be made by the Director or the authorised officer under sub-section (3) of section 3;
 - (d) 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;
 - (e) the form in which a certificate of recognition shall be given under sub-section (5) of section 3;
 - (f) 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;
 - (g) the conditions on which and the fees on the payment of which recognition may be restored under sub-section (8) of section 3;
 - (h) rules for admission of students in recognised educational institutions under section 6;
 - (i) the qualifications to be possessed by persons to be appointed as Inspectors under sub-section (1) of section 7;
 - (j) the rules subject to which an Inspector may exercise powers specified 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);
 - (k) any other matter which is to be or may be prescribed under this Act.

(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 deemed to have been authorised under the said second proviso shall be entitled to send candidates to an examination to be held by the Board in the academic year of 1983-84 and thereafter, unless such existing educational institution is receiving aid out of State funds.

Transitory provision.

Gov.
Ord. 1
1984.

15. (1) The Gujarat Educational Institutions (Regulation) Ordinance, 1984 is hereby repealed.

Repeal and savings.

(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.

SCHEDULE

(See section 2 (f))

Certificates leading to which the educational institutions conduct courses of instructions.

(1) Pre-primary Teachers Certificate.

(2) Primary Teachers Certificate.