TAMIL NADU PRIVATE SCHOOLS (REGULATION) ACT, 2019

(ACT NO. 35 OF 2019)

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TAMIL NADU PRIVATE SCHOOLS (REGULATION) ACT, 2019

(ACT NO. 35 OF 2019)

[7th August 2019]

An Act to provide for the regulation of recognized private schools in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:-

1. Short title, extent, application and commencement. - (1) This Act may be called the Tamil Nadu Private Schools (Regulation) Act, 2019.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It applies to all private schools whether aided or unaided in the State of Tamil Nadu.

(4) It shall come into force on such date as the Government may, by notification, appoint.

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

(a) *"academic year"* means the period commencing on the first day of June to the 31st day of May of the succeeding year or such other period as may be specified by the respective Educational Boards;

(b) *"affiliation"* means formal enrolment of a school with the respective Board of Examination for the purpose of following approved courses of studies and for preparing students according to the approved courses for the examinations;

(c) *"aided school"* means a school receiving any aid as grant out of the State funds to meet its expenses;

(d) *"appellate authority"* means any authority, officer or person authorised by the Government to perform the functions of the appellate authority under this Act;

(e) *"The Code of Conduct"* means the code of conduct formulated by the Government;

(f) *"competent authority"* means any authority, officer or person authorized by the Government to perform the functions and discharge the duties of the competent authority under this Act for such area, for such purposes or in relation to such classes of private schools, as may be prescribed;

(g) *"Director"* means,-

(i) The Director of School Education in respect of all aided and partly aided High and Higher Secondary Schools including Anglo-Indian Schools;

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(ii) The Director of Elementary Education in respect of all aided and partly aided Primary Schools and Middle Schools;

(iii) The Director of Private Schools in respect of all self financing Private Schools, affiliated to the State Board of School Education, central Board of Secondary Education, Indian certificate of Secondary Education, International Baccalaureate and such other boards;

(iv) The Director of State council for Educational Research and Training in respect of all Teacher Training Institutes imparting education or training, whether receiving grant from the Government or not;

(h) *"educational agency"* means a Company registered under section 8 of the Companies Act, 2013 (Central Act 18 of 2013) or a Society registered under the Societies Registration Act, 1860 (central Act XXI of 1860) or the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) or a Trust created under the Indian Trusts Act, 1882 (Central Act 2 of 1882) which has established or proposes to establish a private school;

(i) *"Government"* means the State Government;

(j) *"grant"* means any sum of money paid as aid out of the State funds to any private school;

(k) *"minority school"* means a private school of its choice established and administered by any such minority whether based on religion or language as has the right to do so under clause (1) of Article 30 of the Constitution and so declared by the State Government or by the National commission for Minority Educational Institutions;

(l) *"notification"* means any notification issued by the Government under this Act and published in the Tamil Nadu Government Gazette;

(m) *"private school"* means a Play School, Nursery and Primary, Primary, Middle, High and Higher Secondary School or Teacher Training Institute imparting education and training, whether receiving grant from the Government or not, established and administered or maintained by an educational agency and recognized by the competent authority under this Act, but does not include a school or an institution,-

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

(ii) imparting religious instruction alone, but not any other instruction;

(n) *"prescribed"* means prescribed by Rules made under this Act;

(o) *"recognised school"* means a private school recognised by the competent authority under this Act;

(p) *"recognition"* means a formal certification granted by the competent authority to run a school that conforms to the standards and conditions laid down under this Act;

(q) *"school committee"* means the school committee constituted under section 14;

(r) *"secretary"* means the secretary referred to in section 14;

(s) *"staff"* means and includes both teaching and non-teaching employee of a private school.

3. Power to regulate school education. - (1) No private school shall be established and administered otherwise than in accordance with the provisions of this Act and the rules made thereunder.

(2) The Government or any competent authority as may be prescribed in this behalf, shall have power to,-

(a) regulate the different stages of education and courses of instruction including curriculum, syllabus in private schools;

(b) permit an educational agency to establish and administer a school in accordance with the conditions as may be prescribed;

(c) grant recognition to any private school;

(d) withdraw the recognition of any private school or impose penalty or take criminal action against such private school if it contravenes any of the provisions of this Act and the rules made thereunder;

(e) specify from time to time the norms or guidelines for safety and security of the pupil;

(f) regulate the admissions, collection of fees and conduct of examinations;

(g) prescribe the minimum qualification of the staff;

(h) proscribe certain books or published materials or electronic materials that threaten the sovereignty, communal harmony and secular nature of the Nation and that are found inappropriate as per the moral and cultural standards of the Nation and have an undesired impact on the psyche of the pupil by any private school;

(i) take such other action as may be deemed necessary and expedient in the interest of the pupil and the school education.

4. Private school to obtain permission. - No educational agency shall, without prior permission in writing of the competent authority and except in accordance with the terms and conditions specified in such permission, establish any private school.

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5. Application for permission. - Every application to the competent authority seeking permission to establish a private school shall be in such form, accompanied by such fees and such documents as may be prescribed.

6. Grant of Permission. - On receipt of an application under section 5, the competent authority shall,-

(a) after verifying the documents submitted along with the application, take a decision either to grant permission or refuse to grant permission and communicate its decision to the applicant adducing reasons therefor, within a period of three months from the date of receipt of the application:

Provided that the permission to establish the private school shall not be refused unless the applicant has been given an opportunity of making representation; and

(b) where permission to establish a private school is refused, the applicant shall within thirty days from the date of receipt of such communication, appeal to the appellate authority in such manner as may be prescribed and the decision of the appellate authority thereon shall be final.

7. Application for certificate of recognition. - (1) Every educational agency shall, within a period of three years from the date of receipt of order of permission under section 6, apply to the competent authority for issue of certificate of recognition in such form accompanied by such fees and such documents as may be prescribed.

(2) Where no application for certificate of recognition is received within the period specified in sub-section (1), the permission granted under section 6, shall be deemed to have been lapsed on and from the date of expiry of the period specified in sub-section (1).

8. Grant of certificate of recognition. - (1) On receipt of an application for grant of certificate of recognition, the competent authority may, inspect or cause to be inspected the site to ensure that,-

(a) proper arrangements have been made for the maintenance of academic standards in the school; and

(b) the provisions of this Act and the rules made thereunder have been complied with, and issue the certificate recognising the private school for the purposes of this Act, for such period, as may be prescribed.

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(2) The competent authority shall, before passing orders on an application for recognition under sub-section (1), also take into consideration the following factors, namely:-

(a) the adequacy of the schools already existing in the locality;

(b) the need for the private school in the locality;

(c) the proposed number of pupil;

(d) the extent of the playground available to the pupil and the adequacy of the playground with reference to the strength of the pupil in the school;

(e) the amenities available to the pupil and the teachers;

(f) the equipment, laboratory, library and other facilities for instruction; and

(g) such other factors as may be prescribed.

(3) The certificate of recognition under sub-section (1) shall be issued in such form and within such period as may be prescribed.

(4) If the competent authority is of the opinion that the application for grant of certificate of recognition does not satisfy any of the provisions of sub-sections (1) and (2), the competent authority shall refuse to grant recognition and communicate its decision with reasons therefor to the applicant within a period of three months from the date of receipt of the application:

Provided that the grant of recognition shall not be refused unless the applicant has been given an opportunity of making representation.

(5) Where recognition is refused by the competent authority, the applicant shall within thirty days from the date of receipt of the order of refusal to grant recognition, appeal to the appellate authority in such manner as may be prescribed and the decision of the appellate authority thereon shall be final.

(6) The application for renewal of certificate of recognition issued under sub-section (3), shall be submitted within a period of three months before the date of expiry of the period of recognition in such form accompanied by such fees and such documents as may be prescribed. The provisions in this section for grant of recognition shall *mutatis-mutandis* apply to such renewal of certificate of recognition.

(7) No child shall be admitted in any school which has not been granted with the certificate of recognition or renewal of certificate of recognition, as the case may be.

9. Affiliation. - No educational agency, shall without getting certificate of recognition of the competent authority under section 8, apply for affiliation to the State Board of School Education or any other Board.

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10. Withdrawal of recognition by the Competent Authority. - The competent authority may, at any time, for reasons to be recorded in writing, by an order withdraw permanently the recognition of any private school, which does not comply with any of the provisions of this Act, or the rules or the directions issued thereunder in so far as such provisions of this Act, the rules or directions are applicable to such private school:

Provided that no order of withdrawal of recognition under this section, shall be passed by the competent authority unless the educational agency has been given an opportunity of making representation:

Provided further that the order of withdrawal of recognition under this section, if made during the course of an academic year, such order shall take effect only at the end of the academic year:

Provided also that no order of withdrawal of recognition under this section, shall be made without making necessary arrangements for the continuance of the instruction of the pupil of that private school in any other recognised school.

11. Effect of withdrawal of recognition. - Consequent on withdrawal of recognition, the educational agency of such school shall,-

(a) cease to run the school;

(b) in so far as aided school is concerned, hand over all the movable and immovable properties such as land, buildings and any other material which were provided or funded by the Government; and

(c) hand over all the records and documents of the school within a period of one month from the date of withdrawal of the recognition to the officer authorized by the competent authority in this behalf.

12. Educational agency. - Where an educational agency of a private school, established and maintained on or before the date of commencement of this Act, is an individual or body of persons or any other entity, such individual or body of persons or such entity shall, within a period of six months from the date of commencement of this Act, form a Society registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) or a Company registered under section 8 of the Companies Act, 2013 (Central Act 18 of 2013) or a Trust under the Indian Trusts Act, 1882, (Central Act 2 of 1882) to look after the affairs of the educational agency and thereafter such Society or Company or Trust alone shall be treated as educational agency for the purposes of this Act.

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13. Change in the constitution of Educational Agency or transfer of Educational Agency. - (1) (a) Whenever there is any change in the constitution of an educational agency or amendment to the bye laws or memorandum of association of the educational agency shall submit all relevant documents relating to all such changes or amendments to the competent authority within fifteen days therefrom;

(b) Whenever an educational agency of any private school proposes to transfer the management of the school to another educational agency having similar objectives, such educational agency should apply to the competent authority for necessary approval;

(c) An application under clause (b) shall be in such form accompanied by such documents as may be prescribed.

(2) On receipt of an application under clause (b) of sub-section (1), the competent authority shall, after making such inquiry, as it deems fit, and if it is satisfied that the educational agency of the transferee school will maintain and manage the private school so transferred in accordance with the provisions of this Act, or the rules or the directions issued thereunder, approve the transfer, subject to such conditions as it may impose and communicate its decision to the applicant within a period of one month from the date of receipt of such application.

14. Constitution of School Committee. - (1) Every educational agency of a private school shall constitute a school committee as may be prescribed:

Provided that where an educational agency has established and is administering or maintaining more than one private school, such educational agency may, with the prior permission of the competent authority, have a common school committee.

(2) The school committee shall meet at such times and places and shall observe such rules of procedure as may be prescribed in regard to transaction of business at its meetings:

Provided that the school committee shall meet at least once in every three months.

(3) The school committee shall, subject to the provisions of this Act and the rules made thereunder, perform the following functions, namely:-

(a) carry on the general administration of the private school;

(b) appoint staff of the private school, fix their pay and allowances and define their duties and the conditions of their service; and

(c) take disciplinary action against the staff of the private school.

(4) Every school committee shall have a secretary who shall be appointed by the educational agency and shall exercise such powers and perform such functions as may be prescribed.

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15. Responsibility of the Educational Agency. - (1) For the purposes of this Act, any decision or action taken by the school committee in respect of any matter over which the school committee has jurisdiction shall be deemed to be the decision or action taken by the educational agency.

(2) Where the competent authority is satisfied that the secretary or any member of the school committee of a private school is responsible for any lapse or irregularities in managing the affairs of the school, the educational agency shall take such action against the person concerned as it may deem fit.

(3) The competent authority may, for reasons to be recorded in writing, by an order declare the secretary or any member of the school committee as unfit to hold the office and direct the educational agency to remove the secretary or such member of the school committee, as the case may be:

Provided that no order under this sub-section shall be made, unless the person holding the office of the secretary or any member of the school committee, as the case may be, is given an opportunity of making representation.

(4) On receipt of a direction from the competent authority under sub-section (3), the educational agency shall, notwithstanding anything contrary to the rules or the code of conduct, remove forthwith the person concerned from the office of the secretary or the member of the school committee and appoint any other eligible person in his place.

(5) Notwithstanding anything contained in sub-section (4), and without prejudice to the provisions contained in section 31, if the educational agency disobeys or wilfully fails to comply with any direction issued under sub-section (3), the competent authority may, by order in writing, remove forthwith such person from the office of the secretary or the member of the school committee of that private school.

16. Right to establish a minority private school. - (1) Any educational agency belonging to religious or linguistic minority shall have the right to establish and administer a private school of its choice primarily for the benefit of such minorities.

(2) Every such educational agency claiming minority status for a private school shall apply to the Government in such form along with such documents as may be prescribed.

(3) On receipt of the application under sub-section (2), the Government after verifying the documents submitted by the applicant and after affording the applicant an opportunity of being

heard, if need be, shall decide whether or not to grant or continue minority status to the private school within such time as may be prescribed.

17. Status of a minority school on transfer to other educational agency. - The minority status of a private school shall be retained only where the management of such private school has been transferred to another educational agency of the same minority with the prior approval of the Government.

18. Appointment of Special Officer to a minority school. - Where the management of any minority school is suspended under sub-section (1) of section 31, the competent authority shall appoint a person belonging to that minority as the Special Officer which has been administering the said minority school, immediately preceding such suspension.

19. Exemption of minority schools. - The Government shall have the power to exempt minority schools from such provisions of this Act or the rules or orders issued thereunder which may impinge upon the minority character of such minority schools.

20. Safety and security of the pupil. - (1) Every educational agency shall take all possible measures to ensure the safety and security of the pupil including protection from mental harassment or physical injury or sexual abuse.

(2) Every educational agency shall ensure that the conditions as prescribed or any specific direction as may be issued by the Government or any competent authority as authorised by the Government, pertaining to safety and security of the pupil are strictly complied with.

21. Ensuring quality education. - (1) Every private school shall strictly adhere to the curriculum, syllabus, learning outcomes and the guidelines prescribed for various stages of education in conformity with the respective board of affiliation.

(2) Every private school shall ensure that there is a judicious mix of curricular, co-curricular and extracurricular activities.

(3) Every private school shall follow the pattern of evaluation as prescribed by the Board concerned for various stages of education.

22. Conduct of Examinations and Valuation of answer sheets. - (1) Every private school shall place its building, furniture and other infrastructure at the disposal of the board authorities

for the conduct of any board examinations and valuation of answer sheets, free of charge on specific requisition by the authorities concerned.

(2) Every private school shall depute its teachers on duty for the conduct of any board examinations and valuation of answer sheets on specific requisition by the authorities concerned.

(3) No private school shall prevent any pupil on its roll from appearing for any board examinations on account of poor academic performance.

(4) Every private school shall abide by the conditions as may be prescribed to prevent unhealthy competition among the private schools.

23. Disclosures to be made by private schools at the time of admission. - Every private school shall, atleast thirty days prior to the commencement of admission in each academic year, publish on its notice board, website, if any, or in any other form, general information concerning the school as may be prescribed.

24. Parent-Teacher Association. - Every private school shall constitute a Parent-Teacher Association in such manner and to perform such functions as may be prescribed, to encourage participation of the parents in improving the quality of education and learning environment.

25. Furnishing of information to authorised person or authority and deployment of staff. –(1) Every private school shall furnish any information sought for by any person or authority as authorised by the Government, particularly during the conduct of census or election or any survey including the National Achievement Survey or the State Level Learning Survey.

(2) Every private school shall also deploy its staff for carrying out the work of census or election or any survey, if required.

26. Fees. - No private school shall collect any other charge or receive any other payment by whatever name called, except the fee fixed by the fee Determination Committee constituted under the Tamil Nadu Schools (Regulation of collection of fee) Act, 2009 (Tamil Nadu Act 22 of 2009).

27. Utilisation of funds and property of private school. - All the money collected, grants received and other property held by or on behalf of a private school shall be utilized for the

purposes for which they are intended and shall be accounted for by the educational agency in such manner, as may be prescribed.

28. Inspection and Inquiry. - (1) The competent authority shall have the right to cause an inspection of any private school by such person authorised in this behalf.

(2) The competent authority may also cause an inquiry to be conducted in respect of any matter, connected with the affairs of the private school, wherever such inquiry is considered necessary.

(3) The competent authority shall communicate to the school committee, the views of the authority with reference to the results of such inspection or inquiry and the action to be taken thereon.

(4) The school committee shall report to the competent authority, the action taken if any, or proposed to be taken on the findings of such inspection or inquiry, within a period of two months.

(5) Where the school committee fails to take action within the period specified under sub-section (4), to the satisfaction of the competent authority, the competent authority may, after considering the explanation furnished or the representation made, issue such directions as that authority may deem fit and the school shall comply forthwith such directions.

29. Closure of private school or class or course. - (1) No private school or class or course or medium of instruction started in the private school shall be closed without obtaining the prior approval of the competent authority and without making such arrangements as may be prescribed for the continuance of the instruction of the pupil of that private school or class or course or medium of instruction, as the case may be.

(2) No prior approval under sub-section (1), shall be granted by the competent authority unless the educational agency in writing has given a prior notice to the competent authority in an academic year within such period, in such form and in such manner as may be prescribed.

(3) On receipt of the notice under sub-section (2), and after considering the same,-

(a) the competent authority may either grant prior approval for the closure of the private school or class or course or medium of instruction, as the case may be, subject to such conditions as it may impose; or

(b) if the competent authority notices that,-

(i) the notice given under sub-section (2) is defective; or

(ii) no arrangement has been made as required under sub-section (1), for the

continuance of the instruction of the pupil of that private school or class or course or medium of instruction, as the case may be, for the period of study for which the pupil have been admitted; or

(iii) the reasons given for the closure of the private school or class or course or medium of instruction, as the case may be, are directly attributable to the mismanagement or maladministration on the part of the educational agency; or

(iv) the reason adduced for the closure of the private school or class or course or medium of instruction, as the case may be, is lack of finance even though factually the educational agency has adequate financial resources; or

(v) the reasons given for the closure of the private school or class or course or medium of instruction, as the case may be, are not bonafide; or

(vi) the closure of the private school or class or course or medium of instruction, as the case may be, shall adversely affect the educational opportunity available to the pupil of the local area in which that private school is situated,

it may by an order in writing, refuse to grant prior approval for the closure of the private school or class or course or medium of instruction, as the case may be, adducing reasons therefor:

Provided that the competent authority shall not refuse to grant prior approval unless the educational agency has been given an opportunity of making representation in this behalf.

(4) (a) The competent authority shall communicate its decision on the notice given under sub-section (2) as expeditiously as possible and in any case not later than three months from the date of receipt of the notice;

(b) Where the competent authority refuses to grant prior approval for the closure of the private school or class or course or medium of instruction, as the case may be, the educational agency shall continue to run the private school or class or course or medium of instruction, as the case may be;

(c) Where the competent authority grants approval for the closure of the private school or class or course or medium of instruction, as the case may be, during the course of an academic year, such closure shall take effect only after the expiry of the said academic year. The recognition of such private school shall be deemed to have been lapsed with effect from the date of approval for the closure of the private school.

30. Restriction on alienation of property of private school. - (1) No educational agency shall, except with the prior permission in writing of the competent authority, transfer the property

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of a private school by way of sale, exchange, mortgage, charge, pledge, lease, gift or in any other manner whatsoever.

(2) The competent authority may, on receipt of an application for such transfer, if it is satisfied that such transfer is for the furtherance of the object of the private school and that the proceeds resulting from such transfer are to be wholly utilized in furtherance of the said object, grant prior permission:

Provided that no permission applied for under sub-section (1) shall be refused by the competent authority unless the applicant has been given an opportunity of making representation.

(3) (a) The competent authority shall pass an order, either granting permission or refusing to grant permission, within a period of sixty days from the date of receipt of the application;

(b) The competent authority when granting such permission, may impose such conditions as it may deem fit.

(4) Any transaction made in contravention of sub-section (1) shall be null and void.

31. Appointment of Special Officer in certain circumstances. - (1) Where the competent authority is of the opinion that the school committee of any private school,-

(a) is responsible for the maladministration, misappropriation of funds and properties or lapses or irregularities, in such private school; or

(b) has wilfully failed to prevent unlawful activities in such private school or has been engaged in such activities affecting the security, sovereignty or integrity of the State or has given protection or aid to any group or organisation banned by the Government; or

(c) has wilfully failed to discharge any of the duties imposed on or to perform any of the functions entrusted to such school committee by or under this Act, or any rule or order made thereunder, the competent authority shall, after giving such school committee an opportunity of making representation, for reasons to be recorded in writing, by an order suspend the school committee and appoint a person as special officer till the reconstitution of the school committee, in the interest of the pupil. The competent authority may also suspend the financial powers of the office bearers as an immediate measure, if it is deemed necessary.

(2) Where the appointment of a special officer is pending consideration of the Government, the competent authority may resort to direct payment.

(3) Where a special officer is appointed under sub-section (1),-

(a) the school committee shall cease to discharge the duties imposed on and to perform the functions entrusted to it; and

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(b) the special officer shall take all such steps as may be necessary to efficiently manage and run the school in accordance with any law applicable to the private school in so far as such law is not inconsistent with this Act.

Explanation. - For the purposes of this section, the expression *"law"* includes any bye-law, rules, regulations, or instrument having the force of law.

32. Appointment of staff of schools and their conditions of service. - (1) Subject to the provisions of this Act and the rules made thereunder, the school committee of a private school may appoint such staff as may be considered necessary for the efficient functioning of the school.

(2) The qualifications and the strength of the staff of the private school shall be such as may be prescribed:

Provided that the qualifications prescribed under this sub-section shall not apply to any person who, on or before the date of commencement of this Act has been employed in any private school whose appointment has been made in accordance with the qualifications in vogue at the time of such appointment.

(3) The salary and allowances shall be truly reflected in the expenditure statement towards salary and other allowances of the staff submitted by such school to the Fee Determination Committee constituted under the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 (Tamil Nadu Act 22 of 2009).

(4) The pay and allowances of the staff of every private school shall be paid on or before such date of every month and in such manner as may be prescribed.

(5) Every private school shall enter into an agreement with its staff with regard to the terms and conditions of service as may be prescribed:

Provided that, where no agreement of service has been entered into with the staff already in service on the date of commencement of this Act, such agreement of service shall be executed within a period of six months from the date of commencement of this Act.

33. Minimum qualifications for appointment of staff in private schools. - No person who does not possess the minimum qualifications as prescribed under sub-section (2) of section 32 shall be appointed in any private school.

34. Staff of private school to be governed by Code of Conduct. - Every staff of a private school shall be governed by such code of Conduct as may be formulated by the Government.

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35. Terms and Conditions of staff of private aided schools. - (1) The Government may prescribe the mode of appointment, cadre strength and conditions of service including promotion, pay, allowances, leave, pension, gratuity, provident fund, insurance and disciplinary matters of the staff of any school which is receiving aid from the Government.

(2) No process of recruitment of teaching and non teaching staff of any aided school shall be initiated without the prior permission of the competent authority.

36. Payment of grant. - (1) The Government may, subject to such conditions as may be prescribed, continue to pay grant to the private school which has been already receiving grant from the Government, before the date of commencement of the academic year 1991-1992 at such rate and for such purposes as may be prescribed.

***Explanation.* -** For the purposes of this sub-section, private school which has been receiving grant from the Government shall also include a private school receiving grant from the Government only in respect of any class or course or medium of instruction, as the case may be.

(2) The Government may withhold permanently or for any specified period, the whole or part of any grant referred to in sub-section (1) in respect of any private school,-

(a) which does not comply with any of the provisions of this Act or the rules made or directions issued thereunder in so far as such provisions, rules or directions are applicable to such private school; or

(b) in regard of which the pay and allowances payable to any teacher or other person employed in such private school are not paid to such teacher or other person in accordance with the provisions of this Act or the rules made thereunder; or

(c) which contravenes or fails to comply with any such condition as may be prescribed:

Provided that before issuing an order withholding the grant under this sub-section, the competent authority shall give the educational agency an opportunity of making representation.

37. Prohibition of payment of grant to new private schools, class or course or medium of instruction. - Notwithstanding anything contained in this Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, no grant shall be payable to,-

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(a) any private school established and any class, or course or medium of instruction opened in such private school, on or after the date of commencement of the academic year 1991 - 1992;

(b) any private school in existence on the date of commencement of the academic year 1991 - 1992 to which no grant has been paid by the Government immediately before the date of such commencement;

(c) any class or course or medium of instruction in a private school in existence on the date of commencement of the academic year 1991 - 1992 to which no grant has been paid by the Government immediately before the date of such commencement; and

(d) any class or course or medium of instruction opened on or after the date of commencement of the academic year 1991 - 1992 in a private school in existence on the date of such commencement.

Explanation. – For the purposes of this section, private school includes a minority school.

38. Absorption of staff on retrenchment in private aided schools. - Where any retrenchment of any teacher or other person employed in any private school is rendered necessary consequent on any order of the Government relating to education or course of instruction or to any other matter or consequent on the reduction in strength of the pupil studying in any such private school, it shall be competent for the Government or the school committee of any private school, to appoint such teacher or other person in any school or institution maintained by the Government or in such private school, as the case may be.

Explanation. - For the purposes of this section, the fixation of strength of the staff of any aided school shall be done following the norms as may be specified by the Government from time to time.

39. Penalty for not giving information or giving false information. - If any person who is required by any authority under any of the provisions of this Act or the rules made thereunder to furnish any information, wilfully fails to furnish such information or knowingly furnishes false information, he shall be punishable with fine which may extend to ten thousand rupees.

40. Penalty for acting in contravention of any of the provisions of this Act. - (1) Any person who wilfully contravenes, or attempts to contravene, or knowingly abets the contravention of any of the provisions of this Act other than sections 8(7), 20(2), 22(3) and 22(4) or any of the rules made thereunder, shall be punishable with fine which may extend to one lakh

rupee and in the case of a continuing contravention, an additional fine which may extend to ten thousand rupees for each day during which such contravention continues.

(2) Any person who wilfully fails to comply with the provisions of sections 8(7), 20(2), 22(3) and 22(4) or any of the rules made thereunder, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five lakh rupees or with both.

(3) Any person who wilfully obstructs any authority, officer or person, from entering any private school in the exercise of any power conferred on it or on him by or under this Act, or the rules made thereunder or any direction issued by the appropriate authority under any law for the time being in force, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one lakh rupee, or with both.

41. Appeal against orders of Competent Authority. - Any person aggrieved by any order, decision or direction of the competent authority made under any of the provisions of this Act, or the rules made thereunder, may within a period of one month from the date of receipt of such order, decision or direction, prefer an appeal to the appellate authority as may be prescribed.

42. Powers of the Appellate Authority and disposal of appeal. - (1) No appeal against any order, decision or direction of the competent authority made under any of the provisions of this Act or the rules made thereunder shall be entertained after the expiry of the period specified under section 41.

(2) The appellate authority may at its discretion, allow further time not exceeding one month for preferring the appeal under section 41, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(3) The appellate authority may, pending the exercise of its powers, pass such order as it deems fit.

(4) On receipt of any such appeal, the appellate authority shall, after,-

(i) giving the parties an opportunity of making representation;

(ii) making, if necessary, such inquiry as it deems fit; and

(iii) considering all the circumstances of the case,

make such order as it deems just and equitable within a period of two months from the date of receipt of the appeal.

43. Revision. - (1) The Government may either suo-motu or on an application from any person aggrieved, call for and examine the records of any authority or officer in respect of any

proceedings issued under this Act or the rules made thereunder , to satisfy themselves as to the correctness, legality or propriety of any order made or decision taken therein and if in any case, it appears to the Government that any such order or decision should be modified, annulled, reversed or remitted back for reconsideration, the Government may pass orders accordingly.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making representation.

(3) The Government may, pending decision under sub-section (1), pass such other order as they may deem fit.

44. Annual audit of Accounts. - (1) Every private school shall maintain such accounts and records in such manner as may be prescribed.

(2) (a) The accounts of every private school receiving aid as grant shall be audited at the end of every financial year by such authority, officer or person as may be prescribed;

(b) The authority, officer or person, prescribed under clause (a) shall send a copy of the report on the audit of the accounts to the competent authority which shall forward the same to the school committee of the private school;

(c) The school committee shall take such action as may be specified by the competent authority to rectify the defects, if any, disclosed consequent on the audit or inspection and submit a report together with its comments thereon to the competent authority within such time as may be specified.

(3) In the case of private unaided school, the accounts should be audited at least once in every year by the qualified auditors. The management of the school has to furnish the audit report at the time of making application for the renewal of recognition to the competent authority.

45. Furnishing of returns, etc. - The school committee of every private school shall, within such time, as may be specified by the competent authority in this behalf, furnish to the competent authority such returns, statistics and other informations as the competent authority may, from time to time, require.

46. Recovery of any amount due to the Government as arrears of land revenue. - Any amount required to be paid to the Government due to non-implementation of any scheme or misuse or non-utilisation of grants, may be recovered from the person concerned as if it were an arrear of land revenue under the provisions of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864).

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47. Powers of Government to give directions. - The Government may, subject to other provisions of this Act, direct the competent authority to make such enquiry as they may deem fit. The competent authority shall conduct the enquiry and report to the Government the result of the enquiry within such period as may be prescribed.

48. Delegation of powers. - The Government may, by notification, delegate all or any of the powers vested in them under this Act or the rules made thereunder, except those powers conferred upon them by sections 16, 17, 19, 34, 35, 43, 47, 49, 57, 58 and 60 to any officer or authority subject to such conditions and to such control and revision by the Government or by such authority as may be specified in the notification and in the like manner withdraw any power so delegated.

49. Officer or authority subordinate to the Government to perform the functions of the Competent Authority. - The Government may, by notification, direct that any of the functions of the competent authority under this Act or the rules made thereunder, shall in relation to such matters and subject to such conditions, be performed also by such officer or authority subordinate to the Government, as may be specified in the notification.

50. Competent Authority etc., to be public servant. - Every competent authority and every officer duly authorized by the Government or the competent authority as the case may be, to discharge any duty imposed on it or on him under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

51. Cognizance of offences. - (1) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the fact constituting such offence made by an authority or officer authorized by the Government in this behalf.

52. Bar of jurisdiction of Civil Courts. - No Civil Court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by any authority or officer mentioned in this Act.

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53. 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.

54. Protection of acts done in good faith. - No suit, prosecution or other legal proceedings shall be instituted against the Government or any officer, authority or person empowered to exercise the powers 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 or orders made thereunder.

55. Finality of orders, etc., passed under this Act. - Any order made, decision taken or direction issued by any authority or officer in respect of any matter to be determined for the purposes of this Act, shall, subject only to appeal or revision if any, provided under this Act, be final.

56. Settlement of dispute as to Educational Agency, etc. - (1) Notwithstanding anything contained in section 52, whenever any dispute as to the constitution of any educational agency, or as to whether any person or body of persons, is an educational agency in relation to any private school, or as to the constitution of a school committee, or as to the appointment of the secretary of the school committee, arises, such dispute may be referred by the persons interested or by the competent authority to the civil court having jurisdiction, for its decision.

(2) Pending the decision of the civil court on a dispute referred to it under sub-section (1), or the making of an interim arrangement by the civil court for the running of the private school, the Government may nominate an officer to discharge the functions of the educational agency, the school committee or the secretary, as the case may be, in relation to the private school concerned.

57. Power to make rules. - (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) all matters expressly required or allowed by this Act to be prescribed by, or specified in the rules;

(b) the form of applications under this Act and the particulars which such application shall contain;

(c) the establishment and maintenance of private schools;

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(d) the giving of grants to private schools;

(e) the grant of permission under section 6;

(f) the admission of pupil in private schools including special provision for the advancement of weaker section and disadvantaged group, socially and educationally backward classes of citizens and the Scheduled Castes and the Scheduled Tribes.

***Explanation.* -** For the purposes of this clause, 'Scheduled Castes' and 'Scheduled Tribes' shall have the same meaning as in the Constitution;

(g) the manner in which accounts books, registers and records shall be maintained in private schools and the authority responsible for such maintenance;

(h) the submission of returns, statements, reports and accounts by the educational agencies of private schools;

(i) the standards of education and teaching and courses of instruction in private schools;

(j) the purposes for which the premises of the private school may be used and the conditions subject to which such premises may be used for any other purpose;

(k) the regulation of the use of text books, maps, plans, instruments and other laboratory and sports equipment;

(l) the conditions subject to which donations or contributions from the public may be accepted for the private schools and the naming of private schools;

(m) the conferment of minority status to private schools.

(3) All rules made and notifications issued under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made or notification issued under this Act, shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or notification or the Legislative Assembly decides that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect, only in such modified 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 under that rule or notification.

58. Exemption. - The Government may, by notification and for reasons to be specified therein, exempt any private school from the operation of all or any of the provisions of this Act, or the

rules made thereunder, subject to such conditions as they may deem fit and may in the like manner vary or cancel such exemption.

59. Repeal and Savings. - (1) The Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 (Tamil Nadu Act 29 of 1974) (herein after referred to in this section as the said Act), is hereby repealed.

(2) Notwithstanding such repeal, any act or thing done under the said Act shall be deemed to have been done under this Act and may be continued and completed under the corresponding provisions of this Act.

(3) Notwithstanding anything contained in this Act, all rules, orders, notifications, Grant-in-aid, Codes, appointments, schemes, bye- laws, regulations, official memoranda-circulars or any other orders made or issued before the commencement of this Act and in force on the date of such commencement providing for or relating to any of the matters for the furtherance of which this Act is enacted shall continue to be in force and effective as if they are made under the corresponding provisions of this Act unless and until superseded by anything done or any action taken under this Act.

60. Power to remove difficulties. - If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the purposes of this Act, as appears to them to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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