



## The Jammu and Kashmir Private College (Regulation and Control) Act, 1984

Act 12 of 1984

### Keyword(s):

Act, Aided College, Honour Courses, Lands, Competent Authority, Educational Agency, Private College, Recongnised College, University

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**THE JAMMU AND KASHMIR PRIVATE COLLEGES (REGULATION  
AND CONTROL) ACT, 1984.**

**Act No. XII of 1984.**

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**THE JAMMU AND KASHMIR PRIVATE COLLEGES  
(REGULATION AND CONTROL) ACT, 1984.**

(Act No. XII of 1984)

*[Received the assent of the Governor on 16th April, 1984 and published in the Government Gazette dated 18th April, 1984.]*

**An Act to provide for the regulation and control of private colleges in the State.**

Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-fifth Year of the Republic of India as follows :-

1. *Short title, extent and commencement.* - (1) This Act may be called the Jammu and Kashmir Private Colleges (Regulation and Control) Act, 1984.

(2) It shall extend to the whole of the State of Jammu and Kashmir.

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

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

(a) "Act" means the Jammu and Kashmir Private Colleges (Regulation and Control) Act, 1984;

(b) "Aided College" means a private college which is recognized by and is or has been receiving grant-in-aid from the Government;

(c) "College" means an educational institution meant for imparting education above Higher Secondary (10+2 level) and up to Bachelor's degree affiliated to the University of Kashmir or University of Jammu and includes-

(i) Honours courses, Colleges of Education; and

(ii) Lands, buildings, playgrounds, hostels and movable properties such as furniture, books, apparatus, maps and equipment, owned by and used for the activities of the educational institution.

(d) "Competent authority" means any officer not below the rank of a Principal of a Degree College appointed by the Government for carrying out the purposes of this Act;

(e) "Educational Agency" means any person or body of persons, society or a Trust duly registered with the Government and permitted to establish, run or maintain any private college under this Act;

- (f) "Government" means Government of Jammu and Kashmir;
- (g) "prescribed" means prescribed by the rules made under this Act;
- (h) "Private College" means a college established, run or maintained by an educational agency and recognised by the Government.
- (i) "Recognised College" means a college recognised under this Act;
- (j) "University" means the University of Kashmir or the University of Jammu as established under any law made by the State Legislature.

3. *No Private College to be established or run without prior permission.*- (1) No private college shall be established, run or maintained without the prior permission, in writing of the Government.

(2) The Government shall prescribe the procedure to be followed for the grant of permission to establish, run or maintain private college.

4. *Recognition of private colleges.*- (1) Notwithstanding anything contained in the Kashmir and Jammu Universities Act, 1969, the Government shall, by notification in the Government Gazette, appoint the competent authorities for the accord of recognition for the purposes of this Act.

(2) The Government shall prescribe the procedure to be followed for the grant of such recognition.

(3) Existing colleges shall be deemed to be recognised for a period of one year from the date of commencement of this Act, whereafter they shall have to follow the prescribed procedure.

5. *Publication of list of colleges.*- The Government shall on or before the first day of May each year, publish in the Government Gazette, a list containing the name of every college which has been recognised under this Act together with such particulars of such colleges as it may consider necessary.

6. *Grant-in-aid.*-The Government may, at its discretion, give grant-in-aid to the recognised private college. The quantum of such grant-in-aid and the conditions to be fulfilled by the private colleges for the receipt of such grant-in-aid shall be prescribed by the Government.

7. *Management of private colleges.*-All private colleges recognised under this Act and duly registered with the Government shall be maintained and run by the educational agencies in the prescribed manner.

8. *Restriction on alienation of property of aided colleges.* (1) Notwithstanding anything contained in any law for the time being in force, no sale, mortgage, pledge or transfer of possession in respect of any

property of an aided college shall be made or created except with the prior permission of competent authority. No such permission shall be granted, if, in the opinion of the competent authority, such permission will adversely affect the working of the college.

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

9. *Property to be in the name of the educational agency.*- Any property or assets owned, held or acquired by any person for or on behalf of any private college, shall for the purposes of this Act, be deemed to be the property of the educational agency notwithstanding that such property stands in the name of any individual.

10. *Selection and appointment of teaching and non-teaching staff in aided colleges.*- (1) All selections and appointments of teaching staff in aided colleges shall be made by an appointments committee which shall be constituted by the Government. The Government shall also frame rules prescribing the manner in which such selections/appointments are to be made.

(2) The academic and other qualifications required for teaching and non-teaching posts shall not be lower than those prescribed for corresponding posts in Government service.

11. *Conditions of service of staff in aided colleges.*-The conditions of service of teaching and non-teaching staff in aided colleges including conditions relating to pay, gratuity, provident fund and age of retirement shall be such as may be prescribed by the Government.

12. *Taking over of aided colleges.*- (1) The Government may in the public interest take over the management of an aided college for a period not exceeding five years whenever it is convinced that the educational agency running the college has not fulfilled any of the provisions of this Act or the rules framed thereunder or where it appears that the aided college is not being run satisfactorily. Before taking over any such college under this provision, the Government shall give due notice to the educational agency concerned to show cause against the proposed take over.

(2) In case of emergency, where the Government is satisfied that such a course of action is necessary in the interests of the students of the college, that may, without any notice under sub-section (1) to the educational agency, take over the management of any aided college after the publication of a notification to that effect in the Government Gazette.

(3) Where any college has been taken over under sub-section (2) the educational agency may subsequently apply to the Government for

the restoration of the college. The college may be restored when the Government is satisfied that the educational agency is in a position to run the college satisfactorily.

(4) The Government may also make such further orders as may appear to it to be necessary or expedient in connection with the taking over of the management of any aided college under this section.

(5) Where any college is taken over under this section, the Government shall pay to the person or persons interested such rent as may be fixed by the collector having regard to the rates of rent prevailing in the locality for similar properties :

Provided that where any property has been acquired, constructed, improved or maintained for the purpose of the college with the aid given by the Government, the rent shall be fixed by the collector after taking into account the amount of such aid or grant

(6) Where any college is taken over under this section, the Government may run the college in any manner it considers fit.

13. *Private colleges to furnish returns etc.*- Every private college, shall within such time as may be fixed by the competent authority from time to time in this behalf, furnish such returns, statistics and any other information as the competent authority may from time to time require.

14. *Maintenance of accounts in aided colleges.*-The Government shall prescribe the manner in which the accounts of aided colleges shall be maintained.

15. *Audit.*- (1) The accounts of aided colleges shall be audit annually by an agency to be appointed by the Government.

(2) The accounts of the aided colleges shall be audited in such manner as may be prescribed.

(3) The agency so appointed shall prepare report of the accounts and submit the same to the competent authority.

16. *Fees.*- The Government shall prescribe the fees to be charged from the students in the private colleges.

17. *Indemnity.*- No suit, prosecution or other legal proceeding shall lie against the Government or any authority or any officer in respect of anything which is in good faith done or intended to be done under any provision of this Act or the rules framed thereunder.

18. *Courts not to grant injunction.*-Notwithstanding anything contained in the Code of Civil Procedure, Samvat 1977 or in any other law for the time being in force, no court shall grant any injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act.

19. *Power to remove difficulties.*-If any difficulty arises in giving effect to the provisions of this Act, the Government may by order do anything not inconsistent with such provisions which appear to it to be necessary or expedient for the purpose of removing the difficulties.

20. *Delegation of powers.*-The Government may, by notification in the Government Gazette and subject to such conditions, if any, as may be specified, authorise any officer or authority subordinate to it exercise any or all of the powers except the power to make rules, exercisable by the Government under this Act.

21. *Penalty.*-Whoever, contravenes any of the provisions of this Act or rules framed thereunder shall, on conviction before the First Class Magistrate, be liable to a fine not less than ten thousand rupees and a simple imprisonment for a period not exceeding one year.

22. *Power to make rules.*- (1) The Government may make rules for the purpose of carrying into effect the provisions of the Act.

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

- (a) the procedure for obtaining the prior permission of the Government for the establishment of a private college ;
- (b) the manner in which an educational agency shall be registered with the Government. The requirement for such registration and the manner in which they shall function ;
- (c) grant of recognition ;
- (d) the giving of grant-in-aid by the Government ;
- (e) the conditions of service of staff in aided colleges ;
- (f) the selection of staff in aided colleges ;
- (g) the manner in which accounts shall be maintained in aided colleges ;

(h) inspections ;

(i) any other matter which is or may be prescribed under this Act.

23. *Repeal.*- The Jammu and Kashmir Private Educational Institutions (Regulation and Control) Act, 1967 is hereby repealed.

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