



The Manipur Private School (Registration and Regulation) Act, 2017

Act 7 of 2017

Keywords:

Educational Agency, Elementary Education, Secondary Education

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MANIPUR



GAZETTE

**EXTRAORDINARY
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No. 297(A) Imphal, Monday, September 11, 2017 (Bhadra 20, 1939)

**GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT**

NOTIFICATION

Imphal, the 11th September, 2017

No. 2/48/2017-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on August 31, 2017 is hereby published in the Official Gazette:

**THE MANIPUR PRIVATE SCHOOL (REGISTRATION AND
REGULATION) ACT, 2017**

(MANIPUR ACT NO. 7 OF 2017)

AN
ACT

to provide for the registration and regulation of private schools in the State of Manipur.

Whereas in order to regulate and supervise the establishment and management of private schools in the State of Manipur, it is expedient to provide for registration and regulation of such schools and for dealing with matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Manipur in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Manipur Private School (Registration and Regulation) Act, 2017.

Short title,
extent and
commencement.

(2) It shall extend to the whole of the State of Manipur.

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

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

- (a) "Appellate Authority" means an officer appointed or designated by the State Government by notification;
- (b) "Board" means the Board of Secondary Education, Manipur established under the Manipur Elementary and Secondary Education Act, 1972 as amended from time to time; Manipur Act
No. 7 of 1972.
- (c) "children" means boys and girls above the age of six and below the age of eighteen years receiving instructions at any stage of education;
- (d) "Council" means the Council of Higher Secondary Education, Manipur established under the Manipur Higher Secondary Education, Act, 1992 as amended from time to time; Manipur Act
No. 4 of 1992.
- (e) "educational agency" means any person or body of persons, or a society or a trust or a private company which has established and is administering and proposes to establish and administer a private school, tutorial home or coaching institute;
- (f) "elementary education" means education pertaining to Classes-I to VIII and includes all courses of study in the primary and upper primary schools;
- (g) "higher secondary education" means education pertaining to class XI and XII;
- (h) "local authority" means a Zilla Parishad, Autonomous District Councils, Municipal Corporation, Municipal Council established under an Act.
- (i) "prescribed" means prescribed by rules made under this Act;
- (j) "private school" means any institution imparting nursery, elementary, secondary and higher secondary education established or maintained and administered by any person or body of persons but does not include a school-
 - (i) established and administered or maintained by the Central Government or the State Government or any local authority or any other authority designated or sponsored by the Central Government or the State Government; and

- (ii) providing or imparting only religious instruction, but not any other instruction;
- (k) "Registering Authority" means an Officer or authority appointed or authorized by the State Government by notification, to perform the functions and discharge the duties of the registering authority under all or any of the provisions of this Act for area or for such purposes or as may be specified in the notification; by rules to exercise all or any of the powers of the Registering Authority under this Act;
- (l) "rules" means the rules made under this Act; and
- (m) "secondary education" means education pertaining to Class-IX and X and includes courses of study equivalent thereof.

3. (1) Save as otherwise provided in this Act, every private school established on or before the date of commencement of this Act or intended to be established thereafter, shall notwithstanding anything contained in any law for the time being in force, be registered in accordance with this Act and the rules made thereunder.

Registration
of private
school.

(2) No person or local authority shall establish or as the case may be, run or maintain a private school requiring registration under this section unless such institution is so registered.

4. (1) Any educational agency intending to establish a private school and any person intending that an institution already in existence should be continued as such, shall make an application to the Registering Authority for registration within such period and in such manner along with such fee as may be prescribed.

Procedure
for
Registration.

(2) The Registering Authority, on receipt of the application, shall make such enquiries as he considers necessary in order to satisfy himself—

- (a) that there is need for providing educational facilities to the people in the locality or for the type of education intended to be provided by such school;
- (b) that there is adequate financial provision for continued and efficient maintenance of such institutions as prescribed by the competent authority;

- (c) that the site for the building, playground and garden proposed to be provided and the building in which the institution is proposed to be housed conform to the rules prescribed therefor;
- (d) that the buildings and premises will provide adequate facilities with due regard, safety and hygiene;
- (e) that the teachers, tutors and non-teaching staff are qualified, adequate and adequately paid according to the standards and norms prescribed by rules under this Act;
- (f) that the fees to be charged is not disproportionate to the facilities provided and does not exceed limits prescribed by rules under this Act;
- (g) that there is no reason to believe that the institution will not be run in an undesirable manner or by undesirable persons;
- (h) that the institution follows a curriculum and syllabus prescribed by the Academic Authority, Board or Council or any other prescribed authority established under any other law of the State Legislature or the Parliament; and
- (i) that no book which has not been approved by the Central or State Boards or which has not been published and printed by it, is prescribed for study in the private school.

(3) If the Registering Authority, after an enquiry within ninety days of the making of the application under sub-section (1), is satisfied in respect of the matters set out in sub-section (2), he shall proceed to give registration in the prescribed manner.

(4) The educational agency to whom a certificate is granted shall be responsible for due compliance of the provisions of this Act and the rules made thereunder and terms and conditions, if any, on which the certificate is granted.

(5) The certificate granted under sub-section (3) shall remain valid for a period of two years within which the educational agency shall establish the school and obtain recognition from the recognition authority.

5. (1) A private school not already in existence, shall be established only after a certificate has been granted under sub-section (3) of section 4:

Establishment
and continuance
of private
school.

Provided that such private school may be established and run after an application for registration under sub-section (1) of section 4 has been made till the disposal of such application, but shall be closed down immediately if the certificate under sub-section (3) of that section is refused.

(2) A private school already in existence in respect of which an application under sub-section (1) of section 4 has been made within ninety days of coming into force of this Act may continue pending the disposal of the application, but shall close down immediately if the certificate under sub-section (3) of that section is refused.

(3) A private school already in existence, in respect of which no application under section 1 of section 4 has been made within a period of ninety days after the coming into force of this Act, shall not continue after the expiry of that period.

6. A certificate issued under sub-section (3) of section 4 may be suspended or cancelled by the Registering Authority if there is a contravention of any of the provisions of this Act or the rules made thereunder or any terms and conditions imposed under sub-section (3) of section 4.

Suspension
or
cancellation
of certificate.

7. If the Registering Authority refuses to grant a certificate under sub-section (3) of section 4, or suspends or cancels under section 6, a certificate so granted, the applicant or the holder of the certificate may, within thirty days from the date of order of the Registering Authority, prefer an appeal to the Appellate Authority, and the order passed by the Appellate Authority shall be final and given effect to by the Registering Authority.

Appeal.

8. Whosoever continue to run a private school without registration or after refusal or cancellation of registration or willfully contravenes any of the provisions of this Act or the rules made there under or the conditions imposed under sub-section (3) of section 4 shall be punishable with imprisonment for a term which may extend to one year, or fine which may extend to rupees one lakh or with both.

Penalty.

9. No Court shall take cognizance of an offence under this Act except upon complaint in writing made by the Registering Authority or an officer authorised by the Government in this behalf and no Court inferior to that of Chief Judicial Magistrate shall try any such offence.

Cognizance
of offence.

Directions
and
Instructions.

10. The Registering Authority may, from time to time, issue such directions or instructions to the owner of private school as may be necessary to accomplish the objectives of this Act, and such owner shall comply with such directions or instructions within the time specified by the Registering Authority.

Accounts &
Audit.

11. The accounts of private schools shall be maintained and audited in such manner as may be prescribed and the educational agency shall file every year with the Registering Authority such duly audited financial and other returns as may be prescribed.

Power to
make rules.

12. (1) The Government may, by notification in the official Gazette, 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—

- (a) grant of registration to private schools and conditions thereof;
- (b) period and the manner for applying for registration of private schools;
- (c) form of register maintained for registration of private schools and of the registration certificates;
- (d) regulating the rates of fees, the levy and collection of fees in private schools;
- (e) manner in which accounts, registers and records shall be maintained in schools, and the authority responsible for such maintenance;
- (f) submission of returns, statements, reports, accounts by managers of educational institutions and authority responsible for such maintenance;
- (g) inspection of private schools and the officers by whom inspection shall be made;
- (h) mode of keeping and auditing of accounts of such institutions;
- (i) standards of education and course of study;

- (j) working of the Registering Authority; and
- (k) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(3) All rules made under this Act shall be laid for not less than seven days before the Manipur Legislative Assembly as soon as possible, while it is in session, and shall be subject to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

13. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Power to
remove
difficulties.

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

PATIENCE PANMEI,
Under Secretary (Law),
Government of Manipur.