

Bihar Private Schools (Fee Regulation) Act, 2019

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Act 8 of 2019

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Bihar Private Schools (Fee Regulation) Act, 2019(Bihar Act No. 8 of 2019)[Dated 25.2.2019.]An Act to provide for regulation of collection of fees by private schools in the State of Bihar and matters connected therewith and incidental thereto.Be it may enacted by the Legislature of the State of Bihar in the Seventieth year of the Republic of India as follows:-

1. Short title, extent and Commencement.

(1)This Act may be called The Bihar Private Schools (Fees Regulation) Act, 2019.(2)It extends to the whole of the State of Bihar.(3)It shall come into force with immediate effect.

2. Definitions.

- In this Act, unless the context otherwise requires-(i)"Act" means the Bihar Private Schools (Fees Regulation) Act, 2019;(ii)"Academic year" means the year commencing on the first day of April to the last day of March;(iii)"State Appellate Authority" means the Appellate Authority Constituted under the Bihar State School Teachers and Employees Complain Redressal Rules, 2015;(iv)"Fee Regulatory Committee" means committee constituted at the Divisional level as mentioned in section-3.(v)"Fees" means any amount by whatever name called and collected, directly or indirectly by a school for the purpose of admission, readmission, development, annual fees, study fee (tuition fees), books, teaching material, Uniform, transportation fee/charges, extra/co- curricular activities or for any purposes from a pupil for any class/course of study.(vi)"Government" means Government of Bihar;(vii)"Management" in relation to a school means Managing Committee or any person, Body of persons, Committee or any Governing Body by whatever names called, in which power of management of school or administration of activities is vested:Provided that the Board of Trustees or Governing Body of school/Board, by whatever names it is known, constituted or appointed by any Law for the time being in force relating to the charitable or any other institution and endowments and shall be deemed to be the management for the purposes of this Act;(Viii)"Private School" means the School, established and administered or maintained by a person or body of persons, imparting

pre-primary, primary, middle, Secondary and Senior Secondary education, i.e. conducting classes from Nursery to Class XII or a part there of, affiliated to a Board recognized by the Government. But, it does not include, an aided school or a School established and administered or maintained by the Central Government, State Government or any other local authority. Subjects on which the Right to Education Act, 2009 and Rules in conformity thereof, the State Government has notified, provisions of this Act will not apply. Provisions of this Act will not apply to the institutions being run under the provisions of Minority category.

3. Constitution of Fee Regulatory Committee at Division level.

- There will be following Fee Regulatory Committee in each division. Term of members other than ex-officio members shall be of two years:-

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| 1 Divisional Commissioner | - Chairman |
| 2 Regional Deputy Director Education | - Member |
| 3 District Education Officer of divisional headquarter | - Secretary |
| 4 Total two representatives of private schools Nominated by the Divisional Commissioner | - Member |
| 5 Two guardian representatives nominated by the Divisional Commissioner | - Member |

4. Regulation of Fees in private Schools.

(1) Entry fees for admission in a class/course, Re-admission fees, development fees, monthly tuition fees, annual fees and costs of books, teaching materials, uniform, transportation etc shall be determined by the private school. The school shall display the details of all types of fees of last year and the present year for the information of general public on its notice board as also on its official website. (2) The school may increase the fees up to a maximum of seven percent over and above the previous academic year, for all types of fees, as per requirements. It will give the requisite detailed information on its notice board and on the website. In case of any increase of fees more than that, it shall have to justify it based on facts. (3) The power of considering the fees fixed beyond seven percent over and above the previous year shall be vested in the Fee Regulatory Committee. The School management shall submit a detail proposal in this regard to the Fee Regulatory Committee for its approval, at least six months prior to the commencement of the next academic session. The Fee Regulatory Committee shall convey its approval/decision to the school management at least three months before the commencement of the next academic session, after considering and taking into account the specific conditions and requirements of the specific district in which the school is located. In absence of this, the proposal of the school management would be deemed as approved by the Fee Regulatory Committee. (4) The State Government shall have power to revise the seven percent limit from time to time. (5) Any increase of more than seven percent proposed by a school shall be subject to due approval of the Fee Regulatory committee after its detailed scrutiny. (6) Details regarding Class-wise book list, particulars of uniform, Notebook etc shall be displayed on the school Notice Board as well as on its website. The parents/guardians shall be at their liberty to procure the same from anywhere, including the market as be convenient to them.

The schools cannot make it compulsory for parents/guardians to purchase the same from a shop/ place/ institution determined by them. Any such conditions, imposed by a school, shall constitute an offence on the part of the school, making them liable for punishment.

5. Powers and functions of the Fee Regulatory Committee.

- The Fee Regulatory Committee shall have powers to examine, on receipt of complaint;(1)Whether Fees enhanced by the Private School beyond the limit prescribed under the Act is in conformity with the details furnished by the school.(2)In case of any increase in fees in excess of seven percent over and above the previous Academic year, the concerned complainant (Guardian) shall file his/her objections as a written complaint in the office of the Divisional Commissioner within 30(thirty) days from the date of determination of the fees. The power to hear complaints, relating to collection of excess fees more than the determined/revised fees, as the case may be, will be vested in the Committee headed by the Divisional Commissioner (Fee Regulatory Committee), which shall take decision in this matter within 60 (sixty) days of receiving complaints on such increases of fees with evidence and affidavit.(3)The Fee Regulatory Committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall, for the purpose of making any inquiry under this Act would have all the necessary powers of a civil court under the code of Civil procedure 1908; requisite for trying a suit in respect of the following matters under the Chairmanship of the Divisional Commissioner, namely (i)Summoning and enforcing the attendance of any witness and examining him/ her on oath;(ii)The discovery and production of any document;(iii)The receipt of evidence on affidavits;(iv)The issuing of any Commission for the examination of witness.(v)Constituting any physical verification /enquiry regarding this matter.

6. Regulation of Accounts.

- The private School shall maintain its accounts and records in a proper manner which will be produced before the Fee Regulatory Committee on demand by the Committee. Accounts will be audited in each financial year by a Chartered Accountant.

7. Penalties.

(1)The schools in case of violation of any provisions of this Act or Rules made there under and notifications issued there under will be liable for the following penalties to be imposed by Fee Regulatory Committee.(i)For first offence, maximum Rs.-1,00,000/- (one lakh);(ii)For every subsequent offence, Rs- 2,00,000/- (Two lakh) per offence.(iii)In case of not depositing determined penalty within a month, or in the case of commission of repeated offences, the Fee Regulatory Committee will have power to make recommendation of cancellation of recognition or approval of the private school or any other course for which the Divisional Commissioner received complaint in respect of the private school.(iv)If the Guardian submits complaint on exorbitant increase of fees or any other point with evidence and affidavit, the Fee Regulatory Committee shall take decision within 60 (sixty) days.(v)On being not satisfied with the decision taken at the Fee Regulatory Committee headed by the Divisional commissioner, any party may prefer appeal as per rules before the State Appellate Authority.

8. Appeal.

- Appeal against the decision of the Fee Regulatory Committee may be filed before the State Appellate Authority constituted under the Bihar State School Teacher and Employees Dispute Redressal Rules, 2015.

9. Amounts received as penalties.

- Amount received as penalties shall be deposited in the Government Exchequer in the relevant Accounts Head.

10. Jurisdiction of Civil courts barred.

- No civil court shall have Jurisdiction to settle, decide or deal with any question or to determine any matter, which by or under this Act required to be settled, decided or determined by the Fee Regulatory committee appointed or specified by or under this Act, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under Act.

11. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against the Government, appropriate authority or any other person authorized by the Government or appropriate authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule prescribed hereunder.

12. Power to amend.

- (i) The Government may, from time to time, by notification in the Official Gazette, modify, add to or delete any provision of this Act or the rules prescribed and may, for that purpose, suitably amend this Act or the rules prescribed, by the said notification, and thereupon the provision in this Act or the rules prescribed shall stand amended accordingly. (ii) Every notification issued under sub-section (i) relating to provisions of this Act shall be laid, as soon as may be, after it is issued, before the State legislature.

13. Power to remove difficulties.

- If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by an order make such provisions which is not inconsistent with provisions of the Act and is necessary and expedient for the purposes of removing such difficulties.

14. Power to make Rules.

- The State Government may, by notification published in the official gazette, make Rules for the implementation of the provisions of this Act. The Government will have power to make Rules under this Act, as per needs, for explanation and interpretation.