

The Goa Coaching Classes (Regulation) Act, 2001

GOA
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Act 27 of 2001

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The Goa Coaching Classes (Regulation) Act, 2001(Goa Act 27 of 2001)[Dated 24-4-2001]

7.

/33/2001/LA. - An Act to make provisions for regulation of private coaching and tuition classes in the State of Goa and for matters connected therewith or incidental thereto.Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-second Year of the Republic of India as follows:

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Chapter I

1. Short title, extent and commencement.

(1)This Act may be called the Goa Coaching Classes (Regulation) Act, 2001.(2)It extends to the whole of the State of Goa.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"advertisement" includes any notice, circular, label, wrapper or any other document and any announcement made orally or in writing in any form or by any means (whether mechanical, electrical, magnetic, electronic or otherwise) producing or transmitting light or sound;(b)"branch" means a branch of any coaching class which is owned by one and the same proprietor and registered at one or more places in the same name;(c)"chief of coaching class" means any person appointed by the proprietor, by whatever name, who is in-charge of, or is responsible for conducting such a coaching class;(d)"coaching class" means a class conducted by any person for coaching more than five students at a time, by charging fees in a subject but shall not include the regular classes conducted by the educational institutions recognised by the Government or, as the case may be, university, such as primary, secondary, higher secondary

schools, technical and vocational institutions, senior colleges and university classes and any academy or classes where subjects such as classical dance, music or such other classical subjects are taught;(e)"competent authority" means an officer notified by the Government under section 3;(f)"Director of Education (Administration)" means an officer designated by the Government by notification in the Official Gazette, for the purposes of this Act;(g)"Government" means the Government of Goa;(h)"person" means an individual and includes a group of persons or a body corporate, or a trust, firm or society or an institution;(i)"prescribed" means prescribed by rules made under this Act;(j)"proprietor" means an owner of a coaching class registered as such this Act and includes a joint owner;(k)"registration" means the registration of a coaching class under section 4;(l)"tutor" means a person who guides or trains students in any coaching class and includes a tutor giving specialised tuition's.

Chapter II

Registration of coaching classes

3. Competent authority.

- The Government shall, for the purposes of this Act, by notification in the Official Gazette, notify one or more officers to be the competent authorities and specify the local limits of their jurisdiction in such notification. The competent authority shall exercise such powers and perform such functions as are provided under this Act and as may be prescribed.

4. Registration of coaching class and renewal thereof.

(1)On or after the date of coming into force of this Act, no person shall conduct a coaching class without prior registration of such coaching class under the provisions of this Act: Provided that, the coaching classes existing on the date of coming into force of this Act, shall apply for registration within a period of three months from the said date: Provided further that the Government may, by notification in the Official Gazette, specify the subjects in respect of which teachers in Government run or Government funded educational institutions may conduct coaching classes outside school/college hours by charging the prescribed fees subject to the condition that the prior approval of the Department of Education is obtained.(2)Any person desirous of conducting a coaching class shall apply for registration of such coaching class to the competent authority within whose local jurisdiction such coaching class is situated, in such form and with such fees, as may be prescribed alongwith such documents as specified in section 5:Provided that, in case of a coaching class having branches, each branch shall be treated as a separate coaching class and it shall be necessary to submit a separate application for registration of each branch:Provided further that when an application for registration of coaching class is relating to a subject under Information Technology, it shall be accompanied by the certificate of recognition/authorization by the concerned authority or by the Goa University.(3)The competent authority shall, within three months from the date of receipt of the application for registration under sub-section (2), either grant the registration certificate in the prescribed form, or shall communicate to the applicant his order of refusal to grant such registration, after recording reasons in writing, for such refusal.(4)Every registration of a

coaching class, shall be valid upto 31st March of the next succeeding year, unless cancelled earlier for any reason.(5)Every registered coaching class shall apply for renewal of registration certificate to the competent authority two months prior to the date of expiry of such registration, in such form and with such fees as may be prescribed alongwith the documents as specified in clause (b) of section 5.(6)The competent authority may, on receipt of an application for renewal of registration in the prescribed form and on payment of the prescribed fees, renew the registration:Provided that, the competent authority shall decide the application for renewal of registration before the expiry of the registration period and may renew the certificate or may communicate the refusal thereof to the applicant before the expiry of the registration period, after recording the reasons for such refusal in writing.

5. Documents to be accompanied with the application for registration.

(a)Every application for registration of a coaching class shall be accompanied by an undertaking by the proprietor that:-(i)to the best of his knowledge and belief the tutors are not the employees of any Government run or Government funded educational institution recognised by the Government or, as the case may be, university;(ii)he shall use only the words "registered coaching class" and shall not use the words "recognised" or "approved", on any sign board or in any advertisement or correspondence or communication of whatever nature or at any place;(iii)the necessary information regarding the time table of the coaching class, the fees charged and general information, as prescribed, regarding the coaching class shall be displayed on the notice board at the prominent place in the premises of the coaching class;(iv)the premises of the coaching class are not situated in the campus of any educational institution recognised by the Government or, as the case may be, university;(v)he or the chief of the coaching class, if any or any tutor or any employee of the coaching class has not been convicted for any offence involving moral turpitude and that any change in the employment of a tutor shall immediately be intimated to the competent authority;(vi)he shall abide by the condition regarding the prescribed number of students to be admitted in the coaching class;(vii)the prospectus, notes and other material shall be supplied by the coaching class without any separate fees therefor;(viii)the working hours of the coaching class shall be arranged in such a way that the same shall not overlap the normal working hours of the students of the educational institutions recognised by the Government or, as the case may be, university, and he shall follow the orders issued by the competent authority in this behalf;(ix)such other terms and conditions, as may be prescribed, shall be followed while conducting the coaching class;(b)The application for renewal of the registration shall be accompanied by a copy of the audited statement of accounts in respect of each branch, audited by a Chartered Accountant.

6. Cancellation of registration.

- The certificate of registration granted under section 4, without prejudice to any other penal action which may be taken under this Act, may, at any time be cancelled, if the concerned competent authority is satisfied that the coaching class has contravened any of the provisions of this Act or the rules made thereunder or violated any of the terms and conditions subject to which the registration was granted: Provided that, no such order shall be passed by the competent authority without giving the holder of such certificate a reasonable opportunity of showing cause against the proposed order.

7. Appeal.

- Any person aggrieved by the order of refusal to register a coaching class under sub-section (3) of section 4, or its renewal under sub-section (6) of section 4 or cancellation thereof under section 6, may, within thirty days from the date of receipt of such order, appeal to the Director of Education (Administration) in the prescribed manner, and with the prescribed fees and the order passed by the Director of Education (Administration) in such appeal shall be final.

8. Restriction on shifting of coaching class.

- A coaching class or its branch shall be conducted only at the place indicated in the registration certificate and shall not be shifted to any other place than its registered place, without the prior written approval of the competent authority in that behalf.

9. Prohibition of misleading advertisement relating to coaching class.

- No coaching class shall publish or cause to be published or take part in the publication of any advertisement relating to such class. Explanation. - For the purpose of this section, "advertisement" shall include making any claim, directly or indirectly, of quality of coaching in such class or the facilities offered therein or the result procured by such coaching class or the student who attended such class, but shall not include the publication of information and details of the coaching class, that is to say, its name, location, the establishment of such class and the courses offered therein.

Chapter III

Miscellaneous

10. Maintenance of records and power to enter and inspect.

(1)The proprietor of a coaching class shall maintain such records, accounts, registers or other documents, as may be prescribed.(2)The competent authority or any officer authorised by general or special order in this behalf by the Director of Education (Administration), may at any time during the normal working hours of any coaching class enter the premises thereof or any premises belonging to the proprietor or the chief of coaching class, in relation to such class, if he has reason to believe that there is or has been any contravention of the provisions of this Act or the rules made thereunder, and search and inspect any records, accounts, registers or other documents belonging to such coaching class or of the proprietor or chief of coaching class in so far as such records, accounts, registers or other documents relate to such coaching class and seize any such records, accounts, registers or other documents for the purpose of ascertaining whether there is or has been any such contravention.(3)The provision of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures shall apply, so far as may be, to searches and seizures under subsection (2).

11. Restriction on Charging Fees.

- The fees payable by a student to a coaching class shall be such as may be specified by the Government, from time to time, by notification in the Official Gazette, and no proprietor of a coaching class shall receive or claim from any student or his parents or guardian any fees more than the fees specified by the Government: Provided that, a proprietor of any coaching class desirous of charging fees higher than the fees specified by the Government, in view of the special factors such as extraordinary facilities and coaching amenities made available in the class, may apply to the Director of Education (Administration) for permission to charge such higher fees and the Director of Education (Administration) may, subject to directions or guidelines, if any, issued by the Government in this behalf, grant such permission, or may allow the proprietor of the class to charge such higher fees, as the Director of Education (Administration) deems fit after recording reasons in writing for such permission. Explanation. - For the purpose of this section, in term "Government" shall mean the concerned administrative Department of Government with the subject, being taught in the coaching class.

12. Penalties.

- Whoever contravenes any of the provisions of this Act or the rules made thereunder, shall be liable for fine which may extend to fifty thousand rupees.

13. Offences by companies.

(1) Where an offence under this Act, or the rules made thereunder, is committed by a company, every person who at the time when the offence was committed, was in charge of, and was responsible to the company, for the conduct of the business of the company, 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: Provided that, nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had 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 or the rules made thereunder, has been committed by a company with the consent or connivance of, or is attributable to or on the part of any Director, Manager, Secretary or other Officer or servant of the Company, such Director, Manager, Secretary or other Officer or servant concerned shall also be deemed to be guilty of that offence and shall be liable to be prosecuted against and punished accordingly. Explanation. - For the purpose of this Section, - (a) "company" means any body corporate and includes a trust, a firm, society, an institution, or other association of individuals; and (b) "Director" in relation to, - (i) a firm, means partner in the firm; (ii) a society, a trust, institution or other association of persons, or body of individuals, means the person who is interested under the rules or bye-laws of the society, trust, institution or other association or body with the management of the affairs of the society, trust, institution or other association or body, as the case may be.

14. Bar of Civil Suits or Proceedings.

- Notwithstanding anything contained in any other law, no Civil Court shall entertain or proceed with any suit or proceeding in respect of any matter for which an appeal is provided under section 7.

15. Power to make Rules.

(1)The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.(2)Except when the rules are made for the first time, all rules made under this Act shall be subject to the condition of previous publication.(3)Every rule made under this Act shall be laid as soon as may be, after it is made, before the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that, the rule shall not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication, of such decision, 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 or omitted to be done under that rule.

16. Power to remove difficulty.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty.