

# **Bihar Coaching Institute (Control & Regulation) Act, 2010**

BIHAR

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### **Act 17 of 2010**

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Bihar Coaching Institute (Control & Regulation) Act, 2010 Bihar Act 17 of 2010 Published in Bihar Gazette (Extraordinary) No. 299, dated 28 April, 2010. Preamble. - An Act to provide for the control and regulation of private coaching institutes of the State for providing better academic support in preparation of different competitive examinations and curriculum and admission into specialized institutions etc. Be it enacted by the Legislature of the State of Bihar in the Sixty one year of the Republic of India as follows: Chapter -1 Preliminary

### **1. Short title, extent and commencement.**

(1) This Act may be called the Bihar Coaching Institute (Control & Regulation) Act, 2010. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force at once.

### **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context-(i) "Government" means - Government of Bihar; (ii) "Registration" means - registration number given under this Act; (iii) "Registered Coaching Institute" means - the Coaching Institute registered under this Act; (iv) "Registration Number" means the registration number given under this Act; (v) "Rules" means, Rules made under Section 9; (vi) "Tuition Fees" means the amount taken from the enrolled students for academic support by the registered Coaching Institute, namely- admission fees, teaching fees etc; (vii) "Authority" means Registration Committee constituted under the chairmanship of District Magistrate; (viii) "Appellate Authority" means Divisional Commissioner; (ix) "Coaching Institute" means a registered institute, by any private/registered institution or Trust, to provide preparation for competitive examination or academic support for more than 10 students, under Section 3 of this Act. (x) "Curriculum" means the curriculum prescribed by All India/State level competitive examinations/different Boards. (xi) "Registration Fee"

means requisite fee for the registration of Coaching Institute.(xii)"Registration Certificate" means registration certificate issued under this Act.(xiii)"Prescribed" means prescribed by Rules, Regulations and Notifications.(xiv)"Student" means students enrolled in Coaching Institute.(xv)"Violation" means Violation of provisions of the Act/Rules and concerned notifications for the running of Coaching Institute.Chapter-2 Registration of Coaching Institute/Syllabus prescribed by Coaching Institute/ Competitive Examination/Academic support/Admission Fees/Registration Fees

### **3. Establishment/Registration of Coaching Institute for the academic support for preparation of curriculum and different competitive examinations.**

(1)The pre conducted coaching institutes shall have to be registered within one month from the enactment of this Act.(2)After the commencement of this Act, no Coaching Institute shall be established or run without obtaining valid registration certificate.(3)The tenure of registration shall be for 3 years.(4)After the commencement of this Act, any person who desires to establish or run Coaching Institute shall have to apply before the District Magistrate in the prescribed form with registration fee of Rs. 5,000 (Five thousand), along with the following information-(a)Determination of curriculum-(1) Curriculum for different kinds of academic support and duration for completion of curriculum shall be clarified.(2)Number of maximum students shall be mentioned for every curriculum.(b)Academic qualification of teachers-The teaching shall be performed by non-government teachers or retired teachers having at least graduation qualification, along with the bio-data of the teachers, their academic qualification and experience shall be mentioned.(c)Tuition fees-(1) The Coaching Institute shall have to issue a prospectus, mentioning different curriculum/duration of completion of curriculum and with tuition fees.(2)Under the curriculum, it shall be mandatory to mention in the prospectus the number of lectures, tutorial, group discussions etc.(d)Physical Infrastructure-(1) Within the basic structure of the coaching institute, minimum one sq. meter, area should be for each student.(2)Other facilities-Under this, the following facilities shall be made available by every Coaching Institute:-(i)Sufficient furniture (bench/desk etc.);(ii)Sufficient lighting arrangement (electrification);(iii)Facility of drinking water;(iv)Facility of toilets;(v)Facility of sanitation and cleanliness;(vi)Arrangement for fire extinguisher;(vii)Medical treatment facility;(viii)Facility of parking of cycles/vehicles.Note:-The State Government may provide available infrastructure to a coaching institution for coaching on specified terms and conditions.

### **4. Authority.**

(1)Registration certificate will be given within thirty (30) days of application, by the committee constituted under the chairmanship of the District Magistrate, after examination on the basis of conditions of registration under Section-3. In case of rejection of application submitted for registration certificate, copy of the reasoned order to that effect shall be given to the applicant. A Registration Committee shall be constituted consisting of the following-(a)District Magistrate - Chairman(b)Superintendent of Police - Member(c)District Education Officer - Member Secretary(d)Principal (Constituent College) - MemberNote. - The Principal of Constituent College situated at the district headquarter shall be member. In case of more than one college, they shall be

nominated by the district magistrate for one year by rotation.(2)Soon on completion of 3 years of registration, for renewal of registration, the coaching institute shall apply in prescribed form with Rs. 3,000 (Three thousand) registration fee.

## **5. Enquiry of activities of Coaching Institute.**

- The District Magistrate, by an officer not below the rank of sub-divisional officer, shall get enquired regarding the fulfillment of required eligibility of registration and the satisfactory activities of Coaching Institute.Chapter - 3 Penalty

## **6. Penalty.**

(1)Under this Act, the authority shall have the power of civil courts. The authority shall have such power which is vested in the courts under Civil Procedure Code, 1908 (V of 1908) for consideration of any suit namely :-(i)To accept evidence with proof through affidavit;(ii)To summon and to enforce attendance of any person, and his examination on oath;(iii)To enforce production of records; and(iv)To award cost.(2)In case of violation of any provision of this Act or the Rules and notification issued under this Act, the Coaching Institute shall be liable to penalty as follows:-(i)Rs. 25,000/- for the first offence.(ii)Rs. 1,00,000/- shall be for the second offence.(iii)In case of proof of allegations against the coaching institute after the second offence, the registration shall be cancelled by the Committee constituted for registration, after show-cause and giving sufficient opportunity of hearing.Chapter - 4 Appellate Authority and Disposal of Complaints

## **7. Disposal of complaints.**

- The complaints shall be filed before the sub-divisional officer against the Coaching Institute by the students or employees of the institute and against the students by the Coaching Institute. Complaints shall be disposed of within 30 (thirty) days by the Committee constituted with the following under the chairmanship of the sub-divisional officer :-(a)Sub-Divisional Officer - Chairman(b)Sub-divisional Police Officer/Deputy Superintendent of police -Member(c)Sub-Divisional Education Officer - Member Secretary After inquiry the committee shall submit its report to the registering authority for imposition of penalty or cancellation of registration as the case may be.

## **8. Appellate Authority.**

- Under Section 4, 5, 6 and 7, the aggrieved Coaching Institute shall file appeal before the Divisional Commissioner within 30 days against the action taken. The Divisional Commissioner shall dispose of the appeal within 45 (forty five) days of filling of appeal. The decision of Divisional Commissioner shall be final.Chapter-5 Miscellaneous

## **9. Power of Making Rules and to issue notifications.**

- The Government, subject to pre-publication, for the purposes of enforcement of the provisions of this Act, shall make Rules and Regulations and may issue notifications.

## **10. Power of rectification of doubts and difficulties.**

- If any doubt and difficulties occur in the enforcement of the provisions of this Act, the Government shall issue any such clarification which deemed necessary for removal of doubts and difficulties under this Act or the provisions of Rules made under this and issued notifications.