



The Maharashtra Educational Institutions (Regulation of Fee) Act, 2011

Act 7 of 2014

Keyword(s):

Academic Year, Devisional Fee Regulatory Committee, Educational Division, Elementary Education, Fee, Parent Teacher Association, Profiteering

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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक ३]

शुक्रवार, मार्च २१, २०१४/फाल्गुन ३०, शके १९३५ [पृष्ठे १४, किंमत : रुपये २७.००

असाधारण क्रमांक ३१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011 (Mah. Act No. VII of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,

Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VII OF 2014.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 21st March 2014).

An Act to provide for the regulation of collection of fee by educational institutions in the State of Maharashtra and for matters connected therewith and incidental thereto.

WHEREAS the National Policy on Education envisages that the commercialization of education and profiteering by the educational institutions should be curbed ;

AND WHEREAS the State Government desires that steps should be taken to prevent the commercialization of education through profiteering by the educational institutions ;

AND WHEREAS the practice of charging exorbitant fees by the educational institutions is on increase in the State ;

AND WHEREAS with a view to effectively curb this undesirable practice and commercialization of education which result in frustration among meritorious and indigent students and to maintain excellence in the standard of education, it is expedient in the public interest to regulate collection of fee by the educational institutions in the State of Maharashtra and to provide for matters connected therewith and incidental thereto; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011.

(2) It extends to the whole of the State of Maharashtra.

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

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “academic year” means the year specified by the Government or, as the case may be, any Board or Council to which respective school is affiliated ;

(b) “aided school” means a school receiving any kind of recurring grant or assistance in monetary or non-monetary form, from the Government or the concerned authority for defraying its expenditure ;

(c) “appointed date” means the date appointed by the State Government under sub-section (3) of section 1 ;

(d) “Divisional Fee Regulatory Committee” means the Divisional Fee Regulatory Committee constituted under section 7 ;

(e) “Deputy Director” means the Deputy Director of Education or any equivalent officer designated as such by the State Government, working under the Director of Education (Primary), Director of Education (Secondary and Higher Secondary), or Deputy Director of any other Directorate of the State Government, entrusted with the task of supervision of the educational institutions imparting any kind of education in the State ;

(f) “Diploma in Teachers Education College” means a training college for diploma in teachers education approved by the National Council for Teachers Education ;

(g) “Director” means the Director of Education or any equivalent officer designated as such by the State Government and includes the Director of Education (Primary), Director of Education (Secondary and Higher Secondary), or Director of any other Directorate of the State Government, entrusted with the task of supervision of the educational institutions imparting any kind of education in the State ;

(h) "Educational Division" means an Educational Division notified as such by the State Government, by notification in the *Official Gazette*;

(i) "elementary education" means the education from first class to eighth class ;

(j) "Executive Committee" means the Executive Committee of the Parent-Teachers Association ;

(k) "fee" means the amount, fixed as a fee under sections 5 and 6 and includes,—

(i) Tuition fee ;

(ii) Term fee, which shall not exceed one month tuition fee per term ;

(iii) Library fee and deposit ;

(iv) Laboratory fee and deposit ;

(v) Gymkhana fee ;

(vi) Caution money ;

(vii) Examination fee ;

(viii) Hostel fee and Mess charges ;

(ix) Admission fee ;

Explanation.— Where the student is admitted into the school having the facility to undertake education upto the tenth standard or any standard below it, the student shall not be required to pay the admission fee once again ;

(x) deposit as security amount or amount payable for any curricular or co-curricular item as may be prescribed;

(l) "Government" means the State Government or the Central Government, as the case may be ;

(m) "Government school" means a school established, owned or maintained by the Government or a local authority ;

(n) "local authority" means,—

(i) in relation to educational institution managed by a *Zilla Parishad*, the *Zilla Parishad* constituted under the Maharashtra *Zilla Parishads and Panchayat Samitis Act, 1961* ;

(ii) in relation to educational institution managed by the Municipal Corporation, the Municipal Corporation constituted under the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, or as the case may be, the City of Nagpur Corporation Act, 1948 ;

(iii) in relation to educational institution managed by the Municipal Council, *Nagar Panchayat* or, as the case may be, Industrial Township, the Municipal Council, *Nagar Panchayat* or Industrial Township constituted under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 ;

(iv) any other authority treated as local authority under any other law ;

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(o) "management" means,—

(i) in the case of a school managed by the Government, the Government ;

(ii) in the case of school managed by a local authority, the local authority ;

(iii) in any other case, managing committee or the governing body, by whatever name called, of school to which the affairs of the school are entrusted and, where such affairs are entrusted to any person, by whatever name or designation called, includes such person ;

(p) "minority educational institution" means the Government approved institution established and administered by minority having right to do so under clause (1) of article 30 of the Constitution of India ;

(q) "Parent-Teachers Association" means the Parent-Teachers Association constituted under section 4 ;

(r) "pre-primary school" means a Nursery, Junior Kinder Garten, Senior Kinder Garten level or any school imparting education upto pre-primary school level for children having age 3 to 6 years, by whatever name called and of any medium attached in the prescribed manner to the school, but does not include a creche ;

(s) "prescribed" means prescribed by the rules made under this Act ;

(t) "private educational institution" means any private management including the management of the minority educational institution running the school or Diploma in Teachers Education College ;

(u) "profiteering" means any amount accepted in cash or kind, directly or indirectly which is in excess of the fee fixed or approved as per the provisions of this Act ;

(v) "Revision Committee" means the Revision Committee constituted under section 11 ;

(w) "rules" means the rules made under this Act ;

(x) "school" means a pre-primary school, primary school, school imparting elementary education, secondary school, higher secondary school or junior college recognised by the Government and managed by any management and affiliated to any Indian or foreign course or Board, whether aided, partially aided, un-aided or permanently un-aided, including the school run by the minority educational institution but does not include a school imparting religious instructions only.

CHAPTER II

PROHIBITION OF COLLECTION OF EXCESS FEE AND DETERMINATION OF FEE

Prohibition of
collection of
excess fees.

3. No school itself or on its behalf shall collect any fee in excess of the fee fixed or approved under this Act.

4. (1)(a) Every private school shall constitute the Parent-Teachers Association.

Parent-
Teachers
Association.

(b) The Parent-Teachers Association shall be formed by the head of the school within thirty days from the beginning of each academic year. Parent of every student in the school shall be a member of the Parent-Teachers Association and an annual amount of rupees fifty, in case of urban area and rupees twenty, in case of rural area, shall be collected from each member of such Association.

(c) On formation of the Parent-Teachers Association, for giving representation to every Standard, a lottery shall be conducted by drawing a lot of the willing parents of each Standard to constitute the Executive Committee and notice of one week before such lottery shall be given to the members of the Parent-Teachers Association.

(2) (a) The Executive Committee shall consist of,—

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| (i) Chairperson | .. Principal or Head Master |
| (ii) Vice-Chairperson | .. One from amongst the parents |
| (iii) Secretary | .. One from amongst the teachers |
| (iv) Two Joint Secretaries | .. Both from amongst parents. |
| (v) Member | .. One parent and one teacher from every Standard. |

(b) Out of the total members in the Executive Committee, there shall be at least one member from the Scheduled Castes, the Scheduled Tribes or Backward Class of citizens to be rotated in the manner prescribed and at least fifty per cent. of the members shall be women.

(c) The list of members of the Executive Committee shall be displayed on the notice board within a period of fifteen days from formation of the Executive Committee and copy thereof shall forthwith be forwarded to the concerned Education Officer.

(d) The term of the Executive Committee of the Parent-Teachers Association shall be for one academic year and no member of the Executive Committee shall be eligible for drawing a lot by lottery within the period of three years since the formation of the Executive Committee :

Provided that, the provisions of sub-clauses (i), (iii) and (v) of clause (a) above regarding condition of three years for selection of teacher member shall not apply to the school having only two teachers.

(e) The Executive Committee shall meet at least once in a three months. The procedure to be followed for conducting the meeting of the Executive Committee shall be such as may be prescribed.

(f) The Parent-Teachers Association shall have a general meeting at least once before the 15th August of every year. The procedure to be followed for conducting the meeting of the Parent-Teachers Association shall be such as may be prescribed. The Parent-Teachers Association shall discharge such duties and perform such functions as may be assigned to it under this Act and as may be prescribed.

Regulation of
fees in
Government
schools and
aided schools.

5. It shall be competent for the Government to regulate the fee in the Government schools and aided schools. The fee shall be fixed in the manner as may be determined by the Government.

Regulation of
fees in private
un-aided
schools and
permanently
un-aided
schools.

6. (1) The management of the private un-aided schools and permanently un-aided schools shall be competent to propose the fees in such schools.

(2) On the formation of the Executive Committee, the management of the school shall submit the details of the proposed fee along with the relevant record to the Executive Committee for its approval at least six months before the commencement of the next academic year. While giving the approval, the Executive Committee shall have the authority to decide the amount of fee afresh.

(3) After considering all the relevant factors laid down under section 9, the Executive Committee shall approve the fees within a period of thirty days from the date of receipt of the details of the proposed fee and the record under sub-section (2) and communicate the details of the fee so approved in writing to the management forthwith. The details of the fee so approved by the Executive Committee shall be displayed on the notice board in Marathi, English and in the respective medium of school, and if such school has its own website, it shall be displayed on the same, and it shall be binding for two academic years.

(4) If the Executive Committee fails to decide the fees within the period specified in sub-section (3), the management shall immediately refer the matter to the Divisional Fee Regulatory Committee for its decision under intimation to the Executive Committee in such manner as may be prescribed. During the pendency of the reference, the management of school shall be at liberty to collect the fee of the previous academic year *plus* fifteen per cent. increase in such fee till the final decision of the Divisional Fee Regulatory Committee.

(5) If the difference between the fees decided by the management and the fees approved by the Executive Committee is not more than fifteen per cent., then the fees communicated by the Executive Committee under sub-section (3) shall be binding on the management and if the difference is more than fifteen per cent., then management may prefer an appeal to the Divisional Fee Regulatory Committee, within a period of thirty days from the date of such communication under sub-section (3) in such manner as may be prescribed :

Provided that, the Divisional Fee Regulatory Committee may entertain such appeal or reference after the expiry of the period of thirty days, if it is satisfied that there are sufficient reasons for not preferring an appeal or reference within time.

(6)(a) The Divisional Fee Regulatory Committee shall decide the appeal or reference as far as possible within the period of ninety days from the date of its filing after giving the opposite party an opportunity of being heard.

(b) While deciding the appeal or reference, the Divisional Fee Regulatory Committee shall not grant any stay to the fee proposed by the management or, as the case may be, the fee approved by the Executive Committee.

(c) On decision in appeal or reference, the Divisional Fee Regulatory Committee may pass appropriate orders for refund of the excess fee to the student concerned. In case the management fails to refund the excess fee to such student, the Divisional Fee Regulatory Committee shall proceed to recover such excess fee from the management as arrears of land revenue and pay the same to such student.

(d) The decision of the Divisional Fee Regulatory Committee in appeal or reference shall be displayed on the notice board of the concerned school, and if such school has its own website, it shall be displayed on the same by the management.

(7) The management or the Executive Committee aggrieved by the decision of the Divisional Fee Regulatory Committee in appeal or reference may, within thirty days from the date of such decision, prefer an appeal before the Revision Committee in such manner as may be prescribed.

7. (1) The Government shall, by notification in the *Official Gazette*, constitute a Divisional Fee Regulatory Committee for each Educational Division.

Constitution
of Divisional
Fee
Regulatory
Committee.

(2) The Divisional Fee Regulatory Committee shall consist of the following members, namely :—

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| (a) A retired District Judge, nominated by the Government in consultation with the High Court. | Chairperson. |
| (b) Divisional Chairman of the Maharashtra State Board of Secondary and Higher Secondary Education. | Member. |
| (c) A Chartered Accountant or Cost and Works Accountant | Member. |
| (d) Retired Head of Central Board of School Education or Indian Certificate of Secondary Education or any other Board not connected directly or indirectly with any educational institution, or retired officer not below the rank of Joint Director of Education of the Government. | Member. |

- (e) Regional Deputy Director of Education *Ex officio*
Member -
Secretary.

(3) Every appointment of a member under clauses (c) and (d) of sub-section (2) shall be made by the State Government on the recommendation of the Selection Committee.

(4) The State Government shall constitute a Selection Committee for the Divisional Fee Regulatory Committee consisting of the following, namely :—

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| (a) Chairperson of the Revision Committee. | Chairperson. |
| (b) The Secretary in charge of the Law and Judiciary Department. | Member |
| (c) The Secretary in charge of the School Education Department. | Member: |

Provided that, where the Chairperson of the Revision Committee is, by reason of absence or otherwise, unable to act as a Chairperson of the Selection Committee, the Chairperson acting as such under the proviso to sub-section (2) of section 11 shall act as a Chairperson.

Term of office of Chairperson and other members of Divisional Fee Regulatory Committee.

8. (1) The term of office of the Chairperson and members of the Divisional Fee Regulatory Committee shall be for a period of three years from the date of their nomination and in case of vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder period of the term.

(2) The Chairperson and the members of the Divisional Fee Regulatory Committee shall not be eligible for re-appointment.

(3) The Chairperson or a member may resign from the office in writing addressed to the Government and on such resignation being accepted, his office shall become vacant and may be filled in within a period of three months from the date of occurrence of vacancy.

(4) The Chairperson or a member of the Committee shall be removed, if he does any act which, in the opinion of the Government, is unbecoming of a member or Chairperson of such Committee. The Chairperson or a member so removed shall not be eligible for re-appointment on such Committee :

Provided that, no Chairperson or member shall be removed from the Divisional Fee Regulatory Committee without giving him an opportunity of being heard.

(5) The salaries and allowances to be paid to the Chairperson and members of the Divisional Fee Regulatory Committee shall be such as may be prescribed.

(6) A person shall be disqualified for appointment as the Chairperson or member of the Divisional Fee Regulatory Committee, if such person,—

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude ; or

- (b) is an undischarged insolvent ; or
- (c) is of unsound mind and stands so declared by a competent court ;
or
- (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government ; or
- (e) has, in the opinion of the Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member ; or
- (f) has such other disqualifications as may be prescribed; or
- (g) is holding any office, post or is in any way connected with any educational institution.

9. (1) The following factors shall be considered while deciding the fee leviable by a school, namely :—

Factors for
determination
of fee.

- (a) the location of the school;
- (b) the infrastructure made available to the students for the qualitative education, the facilities provided and as mentioned in the prospectus or web-site of the school ;
- (c) the educational standard of the school as the State Government or the competent authority may prescribe ;
- (d) the expenditure on administration and maintenance;
- (e) the excess fund generated from non-resident Indians, as a part of charity by the management and contribution by the Government for providing free-ship in fee or for other items under various Government schemes given to the school for the Scheduled Castes, the Scheduled Tribes and *Vimukta Jatis* and Nomadic Tribes students ;
- (f) qualified teaching and non-teaching staff as per the norms and their salary components;
- (g) reasonable amount for yearly salary increments;
- (h) expenditure incurred on the students over total income of the school and the reasonable surplus for qualitative development of the students ;
- (i) any other factor as may be prescribed.

(2) The Divisional Fee Regulatory Committee shall indicate the different heads under which the fee shall be levied.

(3) Every private school preferring an appeal before the Divisional Fee Regulatory Committee shall place the copy of decision in appeal on its notice board, and if such school has web-site, on its web-site.

10. (1) The powers and functions of the Divisional Fee Regulatory Committee shall be to adjudicate the dispute between the school management and the Parent-Teachers Association regarding fee to be charged by the school management from the students.

Powers and
functions of
Divisional Fee
Regulatory
Committee.

(2) The Divisional Fee Regulatory Committee may authorise any officer not below the rank of the Education Officer or the Education Inspector to enter any educational institute or any premises belonging to the management of such school, if the Divisional Fee Regulatory Committee finds so necessary, and search, inspect and seize any records, accounts, registers or other documents belonging to such school or the management in so far as such records, accounts, registers or other documents are necessary and relevant to decide the issues before the said Committee. The provisions of the Code of Criminal Procedure, 1973 relating to search and seizures shall apply, so far as may be, to searches and seizures under this section. 2 of 1974.

(3) The Divisional Fee Regulatory Committee shall regulate its own procedure, for the discharge of its functions, and shall, for the purpose of making any inquiry under this Act, have all powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely :— 5 of 1908.

- (i) the summoning and enforcing the attendance of any witness and examining him on oath ;
- (ii) the discovery and production of any document ;
- (iii) the reception of evidence on affidavits ;
- (iv) the issue of commission for the examination of the witness.

(4) No judicial order shall be passed by the Divisional Fee Regulatory Committee in the absence of the Chairperson. The order of the Divisional Fee Regulatory Committee shall be binding on the parties to the proceedings before it for two academic years. It shall not be called in question in any civil court except by way of an appeal before the Revision Committee constituted under this Act.

(5) At the time of resolving the dispute, the Divisional Fee Regulatory Committee shall not grant any interim stay to the fee determined by the school management. On decision in appeal or reference, the Divisional Fee Regulatory Committee may pass appropriate orders for refund of the excess fee to the student concerned. In case the management fails to refund the excess fee to such student, the Divisional Fee Regulatory Committee shall proceed to recover such excess fee from the management as an arrears of land revenue and pay the same to such student.

(6) The Divisional Fee Regulatory Committee shall on determining the fee leviable by a private school, communicate its decision to the parties concerned.

(7) The Divisional Fee Regulatory Committee shall indicate the different heads under which the fee shall be levied.

(8) The orders passed by the Divisional Fee Regulatory Committee shall be binding on the private school for two academic years. At the end of the said period, the private school shall be at liberty to propose changes in its fee structure by following the procedure as laid down under this Act.

11. (1) The State Government shall constitute a Revision Committee in the State, by notification in the *Official Gazette*, which shall consist of the following members, namely :—

Constitution of Revision Committee.

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| (a) A retired High Court Judge nominated by the Government in consultation with the High Court. | Chairperson. |
| (b) Any retired person holding the post of Director of Education or equivalent post or retired Head of the Central Board of School Education or Indian Certificate of Secondary Education or other such Boards. | Member |
| (c) A Chartered Accountant or Costs and Works Accountant. | Member |
| (d) Joint Director of Education (Secondary and Higher Secondary), Directorate of Education, Maharashtra State, Pune | <i>Ex officio</i> Member-Secretary. |

(2) Every appointment of member under clauses (b) and (c) of sub-section (1) shall be made by the State Government on the recommendation of a Selection Committee consisting of the following, namely :—

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| (a) Chairperson of the Revision Committee. | Chairperson. |
| (b) The Secretary incharge of the Law and Judiciary Department. | Member. |
| (c) The Secretary, in charge of the School Education Department. | Member : |

Provided that, where the Chairperson of the Revision Committee is, by reason of absence or otherwise, unable to act as Chairperson of the Revision Committee, the State Government may refer the matter to the High Court for nominating a retired High Court Judge to Act as a Chairperson.

12. (1) The provisions of sub-section (6) of section 6, section 8 and sub-sections (2) to (7) of section 10 shall, *mutatis mutandis*, apply to the Revision Committee.

Application of certain provisions of Divisional Fee Regulatory Committee to the Revision Committee.

(2) The decision of the Revision Committee shall be final and conclusive and shall be binding on the parties for two academic years. At the end of the said period, the private school may be at liberty to propose changes in its fee structure by following the procedure as laid down in section 6.

13. No suit, prosecution or other legal proceedings shall lie against the Chairperson or member of the Divisional Fee Regulatory Committee or the Revision Committee or any officer of it, for executing any order made by it or in respect of anything which is in good faith done or intended to be done under this Act or under any rule or order made thereunder.

Protection of action taken in good faith.

CHAPTER III

REGULATION OF ACCOUNTS AND MAINTENANCE OF RECORDS

Regulation of accounts. 14. The Government shall regulate the maintenance of accounts by the private educational institutions in such manner as may be prescribed.

Maintenance of records. 15. The private educational institutions shall maintain such records and in such manner as may be prescribed.

CHAPTER IV

OFFENCES AND PENALTIES

Offences and penalties. 16. (1) Whoever contravenes any of the provisions of this Act or the rules made thereunder shall, on conviction,—

(a) for the first offence, be punishable with the fine which shall not be less than one lakh rupees but which may extend to five lakh rupees or twice the amount taken in excess of the fee as determined under this Act, whichever is higher;

(b) for the second or subsequent offence, be punishable with the fine which shall not be less than two lakh rupees but which may extend to ten lakh rupees or twice the amount taken in excess of the fee as determined under this Act, whichever is higher or with imprisonment for a term which shall not be less than three months but which may extend to six months.

(2) The person convicted under this section shall refund the excess fee to the student from whom it was collected in contravention of this Act.

(3) The person who repeatedly contravenes the provisions of this Act or the rules made thereunder shall be ineligible for holding official post in any management or school, as the case may be.

Offences by management. 17. (1) Where an offence under this Act or rules made thereunder is committed by a management, every person, who, at the time when the offence was committed, was in charge of, and was responsible to, the management for the conduct of the business of the management, as well as the management, 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 has taken due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act or rules made thereunder has been committed by a management and it is proved that the offence has been committed with the consent or connivance of, or is attributed to any neglect on the part of any office bearer or officer or servant of the management, such office bearer, officer or servant concerned shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

2 of 1974. **18.** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under section 16 may be compounded by any officer as may be specially authorised by the Government in this behalf, either before or after institution of the proceeding for any offence punishable under this Act, by accepting from any person charged with such offence by way of composition of the offence, a sum not less than the amount of maximum fine and not more than double the amount of the maximum fine for the offence punishable by or under this Act :

Compounding of offences.

Provided that, in the event of offence of charging of excessive fee, such sum shall not be less than double the amount of fee excessively charged or five lakhs rupees, whichever is higher.

(2) Nothing in sub-section (1) shall apply to a person who commits the same or similar offence within a period of two years from the date on which the first offence committed by him was compounded.

(3) Where an offence has been compounded under sub-section (1), no proceeding shall be taken against the accused person in respect of the same offence and any proceeding if already taken shall stand abated and the accused, if in custody, shall be discharged forthwith.

19. No Court shall take cognizance of any offence punishable under this Act except with the sanction of the Government or such officer, not below the rank of Deputy Director of Education, as the Government may authorise in this behalf.

Cognizance of offences.

20. Every offence under this Act shall be cognizable.

Offence to be cognizable.

CHAPTER V

MISCELLANEOUS

21. The State Government may issue to any educational institution such general or special directions, consistent with the provisions of this Act and the rules made thereunder, as in its opinion are necessary or expedient for carrying out the purposes of this Act or for giving effect to any of the provisions contained therein or in any rules or orders made thereunder and the management of the educational institution shall comply with every such direction.

Power to issue directions.

22. (1) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out all or any of the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of 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 immediately following, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, and notify

their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, 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.

Act in addition
to and not in
derogation of
any other Act.

23. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other Act for the time being in force.

Power to
remove
difficulties.

24. (1) If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

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

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of the State Legislature.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ३७]

सोमवार, ऑगस्ट २६, २०१९/भाद्रपद ४, शके १९४१

[पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक ८४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Educational Institutions (Regulation of Fee) (Amendment) Act, 2018 (Mah. Act No. XXVIII of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVIII OF 2019.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 26th August 2019).

An Act to amend the Maharashtra Educational Institutions
(Regulation of Fee) Act, 2011.

WHEREAS it is expedient to amend the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

Mah.
VII of
2014.

1. This Act may be called the Maharashtra Educational Institutions Short title.
(Regulation of Fee) (Amendment) Act, 2018.

Amendment of section 2 of Mah. VII of 2014. **2.** In section 2 of the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011 (hereinafter referred to as "the principal Act"),—

(1) after clause (a), the following clause shall be inserted, namely :—

"(a-1) "aggrieved parents group" means the group of parents of the children, not be less than 25 per cent of the total parents of the children of affected standard or school, as the case may be, who are aggrieved by any decision under the Act ;";

(2) for clause (k), the following clause shall be substituted, namely :—

"(k) "fee" means the amount, fixed as a fee under sections 5 and 6 and includes,-

- (i) tuition fee including curriculum essential;
- (ii) term fee, which shall not exceed one month tuition fee per term;
- (iii) library fee;
- (iv) laboratory fee;
- (v) gymkhana fee ;
- (vi) caution money.

Explanation.- "caution money" means the deposit of money for the purposes of handling or damage of laboratory instruments, library deposit and for sports instruments;

- (vii) examination fee ;
- (viii) hostel fee and mess charges ;
- (ix) admission fee.

Explanation-I.- Where the student is admitted into the school having the facility to undertake education upto the tenth standard or any standard below it, starting from grade one, the student shall not be required to pay the admission fee once again.

Explanation-II.- The admission fee shall not be more than one month fee of the tuition fee ;

(x) deposit as security amount or amount payable for any curricular or co-curricular item as may be prescribed;

(xi) any other amount payable by a student towards any curricular or co-curricular activities or facilities provided by the school ;";

(3) clause (r) shall be deleted ;

(4) in clause (x), for the words "or permanently un-aided" the words "permanently un-aided or self-financed" shall be substituted.

Insertion of new section 3A in Mah. VII of 2014. **3.** After section 3 of the principal Act, the following section shall be inserted, namely :—

Payment of fee and penalty for late or non payment. **"3A.** (1) The fee shall be paid by the parents monthly or bi-monthly or quarterly, as decided by the school management:

Provided that, if the parents of the children intends to pay the fee half-yearly or yearly, the management of the school shall allow parents to pay the fee accordingly and may at their discretion offer rebate.

(2) The management of the private unaided schools and permanently unaided schools shall be entitled to charge a delay payment fee or late payment fee, with penal interest. The rate of penal interest shall be such, as may be decided by the Government by order."

4. In section 4 of the principal Act, in sub-section (2), in clause (a),—

Amendment
of section 4 of
Mah. VII of
2014.

(1) in sub-clause (iv), for the words "Both from amongst the parents" the words "One parent and one teacher" shall be substituted;

(2) in sub-clause (v), for the words " One parent and one teacher from every Standard" the words "Minimum one parent from each standard and not more than two parents from each standard subject to maximum of thirteen parents of the school, one teacher from each standard subject to maximum of ten teachers and one representative of school management" shall be substituted;

(3) after sub-clause (v), the following provisos shall be added, namely :—

"Provided that, total number of parent members shall always exceed by one than the total teacher members and member who is representative of the school management :

Provided further that, in the academic year, if two parents are appointed from any standard on the Executive Committee, as members under sub-clause (v), in such cases, for next one year, not more than one parent shall be appointed from such standard."

5. In section 6 of the principal Act,—

Amendment
of section 6 of
Mah. VII of
2014.

(1) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1A) The management of private unaided schools and permanently unaided schools may choose to declare at the time of admission to the students, the standard-wise fee structure for all the standards *i.e.* from first standard to the tenth standard or in parts, that is to say first part comprising of standards first to fifth and the second part comprising of sixth to tenth standards, to the parents. If the fee structure is declared for a part, then, fee structure for remaining part shall be declared at least before one year of commencement of that academic year. Such fee structure as declared by the school shall be binding on all concerned. The management of the school shall also display the fee structure on the notice board and on the official website of the school.

(1B) The management of private unaided schools and permanently unaided schools who does not choose to declare the fee structure as per the provisions under sub-section (1A) shall be eligible to propose the fee in the school which shall not be more than previous academic year fee plus an amount of fifteen per cent. of the said fee :

Provided that, the private unaided schools and permanently unaided schools may increase the fee after two years from the date, the fee approved by the Executive Committee or Divisional Fee Regulatory Committee, as the case may be.

(1C) The management of the school may increase the fee provided in the fee structure as mentioned in sub-section (1A) or propose the fee higher than the rate as provided in sub-section (1B) or before two years as provided in the proviso to sub-section (1B), in unforeseen events, with the approval of 76 per cent. of parents or approval of the Executive Committee by furnishing reasons or circumstances thereof.";

(2) in sub-section (4), for the portion beginning with the words " During the " and ending with the words " Regulatory Committee ", the following shall be substituted, namely :—

" During the pendency of the reference, the management may, till the final decision of the Divisional Fee Regulatory Committee, collect the fee same as that of the previous academic year plus fifteen per cent. increase in such fee, or, the proposed increase fee, whichever is less.";

(3) after sub-section (4), the following proviso shall be added, namely:-

"Provided that, if the fee is decided under sub-section (4) is higher than the fee collected by the management from the parents, in such case, no penal interest shall be recovered from the parents.";

(4) for sub-section (5), the following sub-section shall be substituted, namely :—

"(5) If,—

(a) the management is aggrieved by the decision of the Executive Committee, it may prefer an appeal, within thirty days from the date of receipt of the decision of the Executive Committee, to the Divisional Fee Regulatory Committee;

(b) the parents are aggrieved by the decision of the Executive Committee or the fee increased by the management, the aggrieved parents group may prefer an appeal, alongwith a duly signed form by each aggrieved parent authorizing the filing of such appeal within thirty days from the date of receipt of the decision of the Executive Committee or the school management, to the Divisional Fee Regulatory Committee :

Provided that, the Divisional Fee Regulatory Committee may entertain such appeal or reference after the expiry of the period of thirty days, but not more than the sixty days if it is satisfied that there are sufficient reasons for not preferring an appeal or reference within time."

Amendment of section 8 of Mah. VII of 2014. **6.** In section 8 of the principal Act, in sub-section (6), after clause (g), the following proviso shall be added, namely :—

"Provided that, for the purposes of clause (g), any person who is ordinary member or advisor of any educational institution or management, shall not be disqualified for appointment as Chairman or Member of the Divisional Fee Regulatory Committee."

Amendment of section 9 of Mah. VII of 2014. **7.** In section 9 of the principal Act, in sub-section (1),

(1) after clause (a), the following clause shall be inserted, namely:-

"(a-1) If the school building is taken on rent or lease, the rent as per the registered agreement or lease, such rent or reasonable rent:

Provided that, if such rent found unreasonable, then the rent as per Ready Reckoner or Market Rate shall be considered;"

(2) in clause (b), for the words "the Infrastructure" the words "the expenses in that year for the Infrastructure" shall be substituted.

Amendment of section 10 of Mah. VII of 2014. **8.** In section 10 of the principal Act, after sub-section (8), the following sub-section shall be added, namely :—

"(9) On receipt of the written request or statement, from the Executive Committee or aggrieved parents group or management, in exceptional cases and after recording reasons thereof, the Divisional Fee Regulatory Committee shall have power to review its order passed under this section :

Provided that, the Divisional Fee Regulatory Committee shall, before passing any order under this sub-section, give opportunity of being heard to the Executive Committee or aggrieved parents group or management, as the case may be."

9. In section 16 of the principal Act,—

(1) in sub-section (1), in clause (a), the word "twice" shall be deleted;

(2) after sub-section (3), the following sub-section shall be added, namely :—

"(4) The Government may authorize any officer for the purposes of initiation of action for prosecution, or compounding of offences, under this Act."

Amendment
of section 16
of Mah. VII of
2014.

10. For the removal of doubt, it is hereby declared that, the amendments made by this Act, shall not apply to the management or school, where in the academic year, the fee has already been approved, the admission process has been initiated or any other action relating thereto under the existing provisions of the principal Act prior to its amendment by this Act has been taken.

Removal of
doubt.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक २२]

बुधवार, एप्रिल १३, २०२२/चैत्र २३, शके १९४४

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ५१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Educational Institutions (Regulation of Fee) (Amendment) Act, 2022 (Mah. Act No. XXXIII of 2022), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIII OF 2022.

(First published, after having received the assent of the Governor in the
“Maharashtra Government Gazette”, on the 13th April 2022)

An Act further to amend the Maharashtra Educational Institutions
(Regulation of Fee) Act, 2011.

Mah. VII
of 2014. WHEREAS, it is expedient further to amend the Maharashtra
Educational Institutions (Regulation of Fee) Act, 2011, for the purposes
hereinafter appearing ; it is hereby enacted in the Seventy-third Year of the
Republic of India, as follows :—

1. This Act may be called the Maharashtra Educational Institutions Short title.
(Regulation of Fee) (Amendment) Act, 2022.

(१)

Amendment of
section 8 of
Mah. VII of
2014.

2. In section 8 of the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011, in sub-section (5), for the word “salaries” the word “honorarium” shall be substituted. Mah. VII of 2014.