
बुधवार, डिसेंबर १२, २०१२/अग्रहायण २१, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following report of the Joint Committee on the Maharashtra Self-financed Schools (Establishment and Regulation) Bill, which was presented to the Maharashtra Legislative Council on the 12th December, 2012 is, in accordance with provisions of sub-rule (4) of Rule 125 of the Maharashtra Legislative Council Rules, published for general information :—

COMPOSITION OF THE JOINT COMMITTEE

ON

L. C. BILL No. VII of 2012

THE MAHARASHTRA SELF-FINANCED SCHOOLS (ESTABLISHMENT AND REGULATION) BILL, 2012 :—

- (1) Shri Rajendra Darda, Minister for School Education-*cum*-Chairman of the Committee.
- (2) Prof. Foujiya Khan, Minister of State for School-Education.
- (3) Shri Sadashiv Patil, M. L. A.
- (4) Shri Madhukar Chavan, M. L. A.

- (5) Smt. Nirmala Gavit, M. L. A.
- (6) Shri Navab Malik, M. L. A.
- (7) Shri Jitendra Aahvad, M. L. A.
- (8) Shri Chandrashekhar Ghule, M. L. A.
- (9) Shri Devendra Fadanvis, M. L. A.
- (10) Shri Mangalprabhat Lodha, M. L. A.
- (11) Shri Subhash Desai, M. L. A.
- (12) Shri Vivek Pandit, M. L. A.
- (13) Shri Shishir Shinde, M. L. A.
- (14) Shri Vivek Patil, M. L. A.
- (15) Shri Jaykumar Gore, M. L. A.
- (16) Shri Vikram Kale, M. L. C.
- (17) Shri Mohan Joshi, M. L. C.
- (18) Dr. Sudhir Tambe, M. L. C.
- (19) Shri Ramnath Mote, M. L. C.
- (20) Dr. Deepak Sawant, M. L. C.
- (21) Shri Vasant Rao Khotare, M. L. C.

Maharashtra Legislature Secretariat :

- (1) Dr. Anant Kalse, Principal Secretary.
- (2) Shri Uttamsingh Chavan, Joint Secretary.
- (3) Shri Subhashchandra Mayekar, Deputy Secretary.
- (4) Shri Santosh Paradkar, Under Secretary.

School Education Department :

Shri J. S. Sahariya, Additional Chief Secretary.

Law and Judiciary Department :

- (1) Shri H. B. Patel, Secretary (Legislation).
- (2) Smt. Pushpa Tawde, Joint Secretary.
- (3) Shri S. B. Waghole, Assistant Draftsman-*cum*-Under Secretary.

REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which L. C. Bill No. VII of 2012—The Maharashtra Self-financed Schools (Establishment and Regulation) Bill, 2012 was referred, having been authorised by the Committee to submit the report on their behalf, present this report alongwith the Bill as amended by the Committee annexed thereto.

This Bill was introduced in the Legislative Council on 17th April, 2012. The motion for referring the said Bill to a Joint Committee of both the Houses, after obtaining concurrence of the Legislative Assembly was adopted by the Legislative Council on 18th April, 2012.

The Committee held in all seven meetings. The first meeting of the Committee was held on 9th May, 2012 to finalise certain preliminary matters. In accordance with the decision taken in the said meeting amendments or suggestions in written form were invited by public through a press note published in newspaper, likewise separate letter was sent to the Members of both Houses regarding the said Bill. Amendments/Suggestions thus received were complied clause by clause. In the meetings held on 12th, 13th, 20th June and 11th October, 2012, the amendments to be made in this Bill were finalised after the clause by clause reading the Bill by considering the amendments received from people as well as from Members. Similarly the draft prepared by the Law and Judiciary Department was taken into consideration alongwith the said amendments on 23rd August 2012 and thereafter, on 11th October 2012. The Committee finalised the said report in the meeting held on 17th October, 2012.

The remarks of the Committee pertaining to the important amendments made in the various clauses of the Bill are given in detail in the following paragraphs :—

Clause 2—This clause defines the terms used in the Bill.

Sub-clause (d).—This sub-clause provides for the definition of the term “existing school” which means a school existing and imparting education on the date of commencement of this Act. In this regard a point was raised that it is necessary to make clear mention of “recognized school” instead of mentioning only school.

Accordingly, the word “recognised” is inserted in sub-clause (d).

In the earlier sub-clause (d) the meaning of “pre-primary school” is the school, where pre-primary school education is imparted.

In the opinion of the committee, it was decided that the new sub-clause (f) amended in which definition of “pre-primary school” should be made as “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 to primary school but does not include a creche where pre-primary school education is imparted.

The definition of “Local authority” is newly inserted as sub-clause (e).

Sub-clause (g).—This sub-clause provides for the definition of “registered company”.

In the opinion of the Committee it was decided that, several private companies may start schools if the word “company” is used in the said Bill and they may implement their own decisions arbitrarily and thereby causing commercialization of education. Hence the Committee recommended to substitute by “Local Authority” the word “company” wherever it occurred in the Bill, and delete the sub-clause (g).

Similarly sub-clause (g) also be deleted.

Committee felt that the word “Local Authority” should be inserted.

Accordingly, wherever necessary, amendment has been made in the said Bill.

The sub-clause (o) provides for the definition of “up-gradation of a school”.

Committee felt that mention of pre-primary school as primary school shall be deleted and also the word “authorized” shall be included in this definition so that unauthorized schools shall remain outside the framework of this Act, also only quality schools shall be incorporated. Therefore, a word “recognized” shall be incorporated in the sub-clause (o).

Accordingly, amendment has been made in the said Act.

While considering *Clause 2*, Committee has noticed that, it is necessary to clear the meaning of Self-financed Schools in the said Act.

Accordingly, the new definition of “Schools” has been incorporated.

Clause 4.—This clause provides for creation of endowment fund. The Committee considered on the point raised by Hon. Leader of Opposition, Legislative Council that, whether the amount specified in the Schedule “C” of the said Act for creation of endowment fund will be sufficient for meeting the liability of closed down schools ?

In the view of this the Committee opined that, the minimum amount of endowment should be minimum rupees Two Lakh for pre-primary or higher primary or secondary school affiliated to primary or school, or for the foundation of higher secondary school in rural areas, as the case may be, minimum rupees Three Lakh for Municipal Councils, Nagar Panchayats or Industrial Townships area minimum rupees Five Lakh for Municipal Corporation areas, minimum rupees Seven Lakh for Mumbai and Mumbai Suburban areas, also minimum rupees Five Lakh for establishment of new primary level higher secondary schools in village Panchayat areas, minimum rupees Ten Lakh for Municipal Councils, Nagar Panchayats or Industrial Townships area, minimum rupees Fifteen Lakh for Municipal Corporation areas, minimum rupees Twenty Lakh for Mumbai and Mumbai Suburban area, and minimum rupees Two Lakh for up-gradation of higher primary, secondary or higher secondary school as the case may be in village Panchayat area, minimum rupees Three Lakh for Municipal Councils, Nagar Panchayats or Industrial Townships areas, minimum rupees Five Lakh for Municipal Corporation area, minimum rupees Seven Lakhs for Mumbai and Mumbai Suburban.

The Appendix “C” has been amended accordingly.

Clause 6.—This clause provides for a procedure of scrutinizing application.

It was decided as per the Committee’s opinion that on the basis of the inspection report received, the scrutiny committee should scrutinize the amenities at the place where the matter is under consideration for establishing a school or such places where the matter is under consideration for up-gradation of the existing school by actually visiting the said place.

Necessary amendment has been made in this clause accordingly.

Clause 8.—This clause provides for communication of decision of the Government regarding acceptance of application before 30th April of every academic year.

It was decided according to the Committee’s opinion that it is necessary to communicate applicant with reasons as to why his application is rejected before the 1st May of that academic year.

This clause has been amended accordingly.

Clause 9.—This clause provides for disciplinary action.

It was decided according to the Committee's opinion that under this Act, errors or lies committed or deliberate delay or negligence in the working of official duties assigned to the officers, the concerned officers should be held liable for the disciplinary action under the provisions of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 or any other relevant disciplinary rules applicable to such officers.

Accordingly, clause 9 has been amended.

Clause 10.—This clause provides for permission to be granted for academic year.

After contemplating the provisions made in this clause, the Committee noticed that matter of granting permission to schools can be taken into consideration after considering the report submitted by the scrutiny committee.

The aforesaid Sub-clause (2) provides that nothing in Sub-clause (1) or (2) shall apply to the schools established or recognised under provisions of the Right of Children to Free and Compulsory Education Act, 2009. The Committee recommends such mention shall be deleted and wherever its reference may occur be deleted. From this point of view, amendments have been made in clause 10 and other places.

Clause 11.—This clause provides for up-gradation of existing schools.

The committee observed that, since this is a matter of up-gradation any unaided English medium school as well as secondary and the higher secondary schools shall not be included in this clause.

Similarly, the Sub-clause (2) provides for entrance of a Government Officer in the Schools whenever inspection of the schools may be deemed necessary. The Committee recommends that this provision should be limited of the school's working hours.

Necessary amendments have been made accordingly.

Clause 14.—This clause provides for the provisions of this Act to apply to schools outside of the State or India.

The Committee observed that since the provisions of the aforesaid Act are applicable to the schools in the State, a mention to that effect must also be made clearly.

The Committee has been of the opinion that there shall be mention of standardized education instead of the word quality in Sub-clause (3).

This clause has been amended accordingly.

Changes made by the Committee in the other clauses are of minor nature, consequential or in the view of drafting only.

Vidhan Bhavan :

Mumbai,

Dated 17th October, 2012.

SHRI RAJENDRA DARDA,

Chairman.

महाराष्ट्र शासन राजपत्र, भाग पाच-अ,
गुरुवार-बुधवार, मार्च २७-एप्रिल २, २०१४/चैत्र ६-१२, शके १९३६

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[*Note.*—Deletion made by the Joint Committee are shown in square brackets and additions are either under-lined or side lined]

L. C. BILL No. VII OF 2012.

A BILL

to make provisions to establish a new school including provision for up-gradation of existing school on self-financed basis, to make suitable provisions with regard to requirements and norms for establishing such new school or up-gradation of existing school, for creating an endowment fund and to provide for matters connected therewith or incidental thereto.

(As amended by the Joint Committee)

WHEREAS, it is expedient to make provisions for giving permission to establish a new school including permission for up-gradation of the existing school to [primary or] upper-primary or secondary or higher secondary school, as the case may be, on self-financed basis, to make suitable provisions with regard to requirements and norms for establishing such new school, or up-gradation of existing school, for inviting applications therefor, to provide

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procedure to scrutinize such applications for creating an endowment fund and to provide for matters connected therewith or incidental thereto ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Maharashtra Self-financed Schools (Establishment and Regulation) Act, 2012.

(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. (1) In this Act, unless the context otherwise requires,—

(a) “District Education Officer” in relation to primary education means, the District Education Officer (Primary) and in relation to secondary or higher secondary education means, the District Education Officer (Secondary) ;

(b) “Director”,—

(i) in relation to primary education, means the Director of Education (Primary Education) ;

(ii) in relation to secondary or higher secondary education means, the Director of Education (Secondary and Higher Secondary Education) ;

(c) “endowment fund” means the endowment fund created under section 4 ;

(d) “existing school” means a recognised school existing and imparting education on the date of commencement of this Act ;

(e) “local authority” means,—

(i) in relation to educational institution managed by a Zilla Parishad, the Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayats Samitis Act, 1961 ; Mah.
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1962.

(ii) in relation to educational institution managed by the Municipal Corporation, the Municipal Corporation constituted under the Mumbai Municipal Corporation Act or, as the case may be, the Maharashtra Municipal Corporations Act ; III of
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LIX of
1949.

(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;

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1965.

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

[(e)] (f) “pre-primary school” [means 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 to primary school, but does not include a creche [wherein pre-primary school education is imparted];

[(f)] (g) “prescribed” means prescribed by rules ;

[(g)] “registered company” means a company registered under the Companies Act, 1956 ;]

(h) “registered society” means a society for charitable purposes registered under the provisions of the Societies Registration Act, 1860 ;

(i) “registered trust” means a public trust for charitable purposes registered under the provisions of the [Bombay] Maharashtra Public Trusts Act [1950] ;

(j) “rules” means rules made under this Act ;

(k) “Schedule” means the Schedule appended to this Act ;

(l) “school” means a pre-primary school, primary school, 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 on self-financed basis wherein all expenses of the school, for any purpose whatsoever, are to be met with by the management itself ; and neither any grant-in-aid or financial assistance be given from the State Government or from a local authority, nor the State Government or the local authority be liable to meet any liability whatsoever incurred by such management of the school ;

[(L)] (m) “scrutiny committee” means a scrutiny committee constituted under section 6 ;

[(m)] (n) “section” means section of this Act ;

[(n)] (o) “State” means the State of Maharashtra ;

[(o)] (p) “up-gradation of school” means up-gradation of [pre-primary school to primary school,] a recognised primary school to upper-primary school, upper-primary school to secondary school or secondary school to higher secondary school.

(2) Words and expression used in this Act, but not defined herein, and—

(i) defined in the Right of Children to Free and Compulsory Education Act, 2009 or the rules made thereunder shall have the meanings respectively assigned to them in that Act or the rules ; or

(ii) defined in the [Bombay] Maharashtra Primary Education Act [1947] or the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 or the Maharashtra Educational Institutions (Transfer of Management) Act, 1971 or the Maharashtra Educational Institutions (Management) Act, 1976 or the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, shall, as the context may require, have the meanings respectively assigned to them in or under these Acts.

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Application
to establish
new school
or up-
gradation of
existing
school.

3. Any registered trust or a registered society or [a registered company] a local authority desirous of establishing a new school, such as pre-primary or primary or upper-primary or secondary or higher secondary or up-gradation of the existing school to [primary or] upper-primary or secondary or higher secondary, as the case may be, shall submit the application to the concerned Director in the format as provided in Schedule A along with the documents as specified in Schedule B, and with such fees as the State Government may by order, specify from time to time ; and such application shall be made before the 30th June of the year previous to the academic year for which permission is applied for :

Provided that, for the academic year 2013-2014, such application shall be made before the 31st January 2013.

Creation of
endowment
fund.

4. (1) Any registered trust or a registered society or [a registered company] a local authority desirous of establishing a new school or up-gradating the existing school shall have to deposit the amount as specified in Schedule C, by way of National Saving Certificate or Fixed Deposit in any Nationalized Bank as security deposit towards creating an endowment fund ; and pledge, such certificate or Fixed Deposit Receipt obtained in the name of the management, with the concerned District Education Officer.

(2) The endowment fund may, with the prior permission of the State Government and subject to the provisions of section 5, be utilized for meeting the liability in the form of legal dues, if any, of the management.

No
financial
assistance
by State
Government
to school
established
on self-
financed
basis.

5. (1) An application, for establishing a new school or for up-gradation of a school anywhere in the State by private management of registered trust or a registered society or [a registered company] a local authority shall, and shall only, be on the condition that such school shall be established, maintained and administered or up-graded on self-financed basis. Subject to the provisions of sub-section (2) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009, all expenses in a school for any purpose whatsoever shall be met with by the management itself ; and neither any grant-in-aid or financial assistance shall be sought from the State Government or from a local authority, nor shall the State Government or the local authority be liable to meet any liability in the form of legal dues whatsoever incurred by such management of the school.

(2) On withdrawal of a permission to run or up-grade a school granted under the provisions of this Act, or where a school is established or up-graded without obtaining such permission, or any school established or up-graded after obtaining a permission under the provisions of this Act, or an existing school [on the date of commencement of this Act,] is closed, for any reason whatsoever, the liabilities in the form of legal dues of a management establishing or up-gradating or closing a school, as aforesaid, shall first be met with from the endowment fund created under section 4.

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(3) If the endowment fund falls short of the total liability in the form of legal dues incurred by the management, which has obtained a permission to establish or up-grade a school on self-financed basis, the office bearers and the members holding office for the time being in force of the management of a school, shall be jointly and severally liable to meet such liability in equal proportion :

Provided that, nothing contained in this sub-section shall render any such person liable as aforesaid, if he proves that such liability was incurred without his knowledge or that he exercised all due diligence to prevent incurring such liability.

(4) Notwithstanding anything contained in sub-section (3), where a liability in the form of legal dues has been incurred by the management and it is proved that the liability has been incurred with the consent or connivance of, or is attributable to any neglect on the part of any secretary, manager, or any staff, then such secretary, manager, or staff, shall also be deemed to be liable to meet such liability.

35 of 2009. 6. (1) The State Government shall, [constitute a scrutiny committee] by notification in the Official Gazette, constitute the scrutiny committee for the entire area of the State or different scrutiny committees for different areas of the State as may be specified in such notification, consisting of Chairperson and not less than three other members, for considering and recommending to the State Government the permission to be granted to the applicants for establishing a new school or up-grading an existing school based on inspection report obtained by the scrutiny committee. The report of the scrutiny committee shall, having regard to the norms and standards for school as required under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 and the rules made thereunder, as well as such other norms and standards as may be prescribed, from time to time, the applicant's financial soundness, the extent of assets and its ability to setup the infrastructure of a school, its expertise and experience in the field of education and after the spot inspection, contain reasons for recommending grant of permission or, as the case may be, for rejecting the application seeking permission for establishing a new school or up-grading the school, and shall be submitted to the State Government on or before the 31st October of the year referred to in section 3:

Procedure to scrutinize application.

Provided that, for the academic year 2013-2014, such report of the scrutiny committee shall be submitted to the State Government on or before such date as the State Government may by order, specify.

(2) Before submission of such report to the State Government, the scrutiny committee shall display its report on the State Government Website inviting objections and suggestions so as to reach the Director within fifteen days from the date of public notice in respect thereof given in at least two local newspapers. The report to be submitted by the scrutiny committee, to the State Government under sub-section (1), shall be accompanied with the objections and suggestions, if any, received.

(3) The qualifications and experience of the Chairperson and members, the powers and duties and the procedure to be followed for transacting the business of the scrutiny committees shall be such as may be prescribed.

Grant of
permission.

7. (1) The State Government on receipt of the report of the scrutiny committee, may grant or refuse the permission to establish a new school applied for or to up-grade an existing school.

(2) The decision of the State Government under sub-section (1) shall be final.

Communica-
tion of
decision of
Government.

8. (1) The decision of the State Government of granting or refusing to grant any permission as applied for under section 3 shall be communicated with reasons to the applicant before the [30th April], 1st May of the academic year ; and the same shall be displayed on the State Government Website.

(2) On establishing a new school or up-gradation of a school from the academic year for which the permission is granted, the management shall inform the concerned District Education Officer about the same within one month from the commencement of the academic year.

Disciplinary
action.

9. The work of scrutiny of applications received under section 3, submission of report of inspection and official duties assigned to the officers under this Act if found to be inaccurate or false, or there is any wilful or intentional delay or negligence in discharge of such official duties, it shall amount to dereliction of official duties and make such officer liable for appropriate disciplinary action under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 or any other relevant disciplinary rules applicable to such officer [within the meaning of the provisions of sub-section (2) of section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 and the provisions of the said sub-sections (2) and (3) of section 10 of the said Act shall apply in such case].

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Permission
for
academic
year.

10. [(1)] Permission to establish or up-grade a school granted under the provisions of this Act shall be for the academic year for which it is granted and on the failure of the management to start a school within eighteen months, the permission so granted shall stand cancelled [and withdrawn].

[(2) The permission granted under the provisions of this Act shall be liable for withdrawal by the State Government for violation of the provisions of this Act.

(3) Nothing in sub-section (1) or (2) shall apply to the schools established or recognized under the provisions of the Right of Children to Free and Compulsory Education Act, 2009.]

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Up-
gradation
of existing
schools.

11. (1) Any registered trust or a registered society or [a registered company] a local authority running an [unaided English medium] existing school [including secondary and higher secondary school and imparting education on the date of commencement of this Act,] may, at its option apply for up-gradation of the school on self-financed basis under this Act and shall [be] abide by the orders or directions issued by the State Government in this regard.

(2) The Director or an officer nominated by the Director may, [after giving a notice of fifteen days to the secretary or manager, by whatever designation called, of the management of a school.] during working hours enter and inspect such school as and when required and forward the inspection report to the State Government.

12. (1) Save as otherwise provided in this Act, no school established or up-graded under this Act shall be closed down or discontinued, unless a notice of not less than eighteen months indicating the intention of the management of the school to do so, has been given by the secretary or manager or any person who is managing the affairs of the school, by whatever designation called, to the concerned Director and the State Government. On receipt of such notice, the Director may, if in his descretion he so desires, give the secretary, manager or the person who is managing the affairs of the school, as the case may be, an opportunity of being heard in person. Thereafter, if the Director is of the opinion that the closing down or discontinuation of school is justified, he shall report to the State Government for taking appropriate action to accommodate affected students. The Government shall take appropriate actions to accommodate such affected students to other available neighbourhood schools.

No school under this Act to be closed down.

[35 of 2009.] [Provided that, nothing in this sub-section shall apply to the schools established or recognized under the provisions of the Right of Children to Free and Compulsory Education Act, 2009.]

(2) If any such secretary, manager or person who is managing the affairs of the school fails to give notice as required under sub-section (1), he shall, on conviction, be punished with fine which shall not be less than five lakh rupees but which may extend to ten lakh rupees.

13. (1) Without prejudice to the provisions of [sub-section (1) of] section 10, the State Government may, by order, withdraw the permission, if any, granted, on following reasons, namely :—

Withdrawal of permission.

(a) [failure to comply with] violation of any of the provisions of this Act or rules made thereunder or failure to comply with any directions issued under this Act or the norms or standards or terms and conditions, if any, stipulated by the State Government, from time to time ;

(b) engaged in activities prejudicial to the interests of the [State] student [or promoting feeling of disloyalty or hatred] ; or

(c) poor academic performance.

[35 of 2009.] [Provided that, nothing in this section shall apply to the schools established or recognized under the provisions of the Right of Children to Free and Compulsory Education Act, 2009.]

(2) No order for withdrawal of permission under sub-section (1) shall be passed, unless a reasonable opportunity of being heard is given to such trust or society or local authority [company].

- Provisions of Act to apply to school seeking affiliation to any Board or institution in the State outside State or outside India.
- 14. (1)** Any registered trust or a registered society or [a registered company] a local authority intending to establish or run a school which it proposes to have it affiliated to any Board or any Institution in the State, outside the State or outside India shall be bound to comply with the requirements for establishing such school in the State in addition to any other requirements of any such Board or Institution in the State, outside the State or outside India and any application for permission to establish or run such school made by such trust, society [or company] or local authority in that behalf shall be processed in accordance with the provisions of this Act.
- (2) No such school shall be established without obtaining the permission under this Act, and merely because an application is made in that behalf it shall not be deemed that a permission is granted for establishing such school in this State.
- (3) The registered trust or registered society or local authority [registered company], as the case may be, shall ensure that the school is run as per the provisions of this Act or the rules made thereunder, and the specified norms and standards and shall be committed to provide quality education to the children.
- Power to issue directions to registered trust or registered society or [registered company] local authority.
- 15.** The State Government may issue to any registered trust or registered society or [registered company] local authority to which permission is granted under this Act, 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 amend Schedules.
- 16. (1)** The State Government may, from time to time, by notification in the *Official Gazette*, modify, add to or delete any entry, from any of the Schedule and may, for that purpose, suitably amend the Schedule, by the said notification, and thereupon the entry in the Schedule shall stand amended accordingly.
- (2) Every notification issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.
- Finality of orders.
- 17.** Save as otherwise expressly provided in this Act, every decision taken, order passed or notice, directions issued by the State Government or the concerned Director shall be final.
- Protection of action taken in good faith.
- 18.** No suit, prosecution or other legal proceeding shall lie against any officer of the State Government for anything which is done in good faith or intended to be done by any such officer under this Act or any rules or orders made thereunder.

45 of 1860. **19.** Every officer or servant acting under the provisions of this Act or the rules shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers, etc., to be public servants.

20. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any law for the time being in force in relation to, and applicable to, a management of a school established or up-graded under this Act.

Act shall be in addition to existing laws.

21. The State Government may, by notification in the *Official Gazette*, delegate all or any of its powers under this Act, except the powers under sections 6, 7, sub-section (1) of section 16, this section and section 22, the powers of the Director and District Education Officer, to any of its or their subordinate officers subject to such conditions and to such control as may be specified in the notification; and it may, in the like manner, withdraw any powers so delegated.

Delegation of powers.

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 Houses agree in making any modification in the rule or both 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.

23. (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 purposes of removing 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 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, भाग पाच-अ,
गुरुवार-बुधवार, मार्च २७-एप्रिल २, २०१४/चैत्र ६-१२, शके १९३६

SCHEDULE A

(See section 3)

FORM OF APPLICATION

- (1) Name of the Applicant -A Registered Trust or Registered Society or [Registered Company] a local authority:
- (2) Application for opening of new school : Pre-primary or Primary or Upper-primary or Secondary or Higher Secondary either separately or in combination with one or more of them:
- (3) The name of the school :
- (4) Full address of the –
 - (a) Applicant :
 - (b) Office of the Management :
- (5) Up-gradation of existing school : Primary or Upper-primary or Secondary or Higher Secondary (give DISE or SEMIS number of existing school) :
- (6) Medium of Instruction for proposed new school or up-gradation of existing school:
- (7) Details about existing affiliation or proposed affiliation to State Board or CBSE or ICSE or IGCSE or IB or CIE or any other Board or Institute, by whatever name called :
- (8) Place, taluka, district where the school is or will be located :
- (9) [Registration details,] Copy of certificate of registration of trust or society or details of local authority [company] :
- (10) (a) Copy of Trust Deed or Scheme [Memorandum of Association, Articles of Association]:
(b) Details of the trustees, members of the managing committee [or Board of Directors] and their addresses :
- (11) Land details—
 - (a) Registered Land in the name of the mangagement:
 - (b) Registered Lease Deed of thirty years or more in favour of the trust, society or local authority [company]:
 - (c) Board or Institute or Council to which school wishes to seek affiliation:

- (12) Area of land available —
- (a) Minimum half acre in Mumbai and Mumbai suburban area :
 - (b) One acre in city area :
 - (c) Two acres in rural area :
- (13) Construction on the land for which the documents are submitted (details about the construction)—
- (a) Total area in square metre :
 - (b) Construction area in square metre :
 - (c) Area available in classroom per child (per child approximately one square metre) :
- Total construction details—
- (i) Number of Classrooms—(classroom size eight metres x six metres):
 - (ii) Staff room :
 - (iii) Principal room :
 - (iv) Office room :
 - (v) Library [(fourteen metres x eighteen metres) (minimum two thousand books) (ratio of five books per child will be applicable, if more than four hundred students in school)]:
 - (vi) Laboratory—[(nine metres x six metres) (separate laboratory for physics, chemistry and biology)]:
 - (vii) Activity room:
 - (viii) Computer room (minimum ten computers):
 - (ix) Toilets (lavatory [and urinals] for boys and girls separately) :
 - (x) Drinking water facility :
 - (xi) Equipped with necessary furniture :
 - (xii) Playground :
- (14) Transport facility for children (optional) :
- (15) Residential facility for children (optional) :
- (16) Staff quarters (optional) :
- (17) Extra facilities (provided by the school), details:
- (18) Bank details—
- (a) Current savings, fixed deposit, bonds :
 - (b) Balance sheet or certified audit report:
- (19) Details about the fees which shall be charged, estimated income and expenditure details :
- (20) Staff norms-adequate qualified staff according to norms :

Dated :

Signature.

महाराष्ट्र शासन राजपत्र, भाग पाच-अ,
गुरुवार-बुधवार, मार्च २७-एप्रिल २, २०१४/चैत्र ६-१२, शके १९३६

SCHEDULE B

(See section 3)

DOCUMENTS TO ACCOMPANY THE APPLICATION

- (1) Copy of Certificate of Registration.
- (2) Copy of trust deed, scheme, [Memorandum of Association, Articles of Association].
- (3) Documents related to land details.
- (4) Documents related with construction details-plan, commencement certificate, completion certificate, occupation certificate.
- (5) Photos related with infrastructure norms as required under the provisions of the Right of Children to Free and Compulsory Education Act, 2009.
- (6) Documents related with bank Accounts.
- (7) Audit report.
- (8) Balance sheet.

SCHEDULE C

(See section 4(1))

(a) for establishing a new pre-primary or primary or upper-primary or secondary or higher secondary school, as the case may be.	Rupes three lakh.
(b) for establishing a new school from primary level to higher secondary.	Rupees ten lakh.
(c) for up-gradation of school to primary, upper-primary, secondary or higher secondary school, as the case may be.	Rupees three lakh (for each up-gradation).]
<u>(a) for establishing a new primary or pre-primary attached to primary or upper-primary or secondary or higher secondary school, as the case may be,—</u>	<u>(i) in village panchayat area</u> Rupees minimum two lakh. <u>(ii) in Municipal Council, Nagar Panchayat or Industrial township area</u> Rupees minimum three lakh. <u>(iii) in Municipal Corporation area</u> Rupees minimum five lakh. <u>(iv) in Mumbai and Mumbai suburban area</u> Rupees minimum seven lakh;
<u>(b) for establishing a new school from primary level to higher secondary,—</u>	<u>(i) in village panchayat area</u> Rupees minimum five lakh. <u>(ii) in Municipal Council, Nagar Panchayat or Industrial township area</u> Rupees minimum ten lakh. <u>(iii) in Municipal Corporation area</u> Rupees minimum fifteen lakh. <u>(iv) in Mumbai and Mumbai suburban area</u> Rupees minimum twenty lakh;
<u>(c) for up-gradation of school to upper-primary, secondary or higher secondary school, as the case may be,—</u>	<u>(i) in village panchayat area</u> Rupees minimum two lakh (for each up-gradation). <u>(ii) in Municipal Council, Nagar Panchayat or Industrial township area</u> Rupees minimum three lakh (for each up-gradation). <u>(iii) in Municipal Corporation area</u> Rupees minimum five lakh (for each up-gradation). <u>(iv) in Mumbai and Mumbai suburban area</u> Rupees minimum seven lakh (for each up-gradation).

Vidhan Bhavan :
Nagpur,
Dated 12th December 2012.

Dr. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Council.