



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

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असाधारण क्रमांक ११५

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) (Amendment) Bill, 2018 (L.A. Bill No. LXI of 2018), introduced in the Maharashtra Legislative Assembly on the 19th July 2018, is hereby published under the authority of the Governor.

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

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

L. A. BILL No. LXI OF 2018.

A BILL

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

Mah. WHEREAS it is expedient to amend the Maharashtra Educational
VII of Institutions (Regulation of Fee) Act, 2011, for the purposes hereinafter
2014. appearing; it is hereby enacted in the Sixty-ninth 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, 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"),-

Mah.
VII
of 2014.

(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.

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.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Educational Institutions (Regulation of Fee) Act, 2011 (Mah. Act. No. VII of 2014) has been enacted to effectively curb the undesirable practice and commercialization of education which result in frustration among meritorious and indigent students and to maintain excellence in the standard of education. While implementing the provisions of the Act, the Government faced certain difficulties. It was observed that parents of the students were not given opportunity to file appeal or complaint against the Fee hike by the School Management. With a view to overcome the difficulties in implementation of the provisions of the Act and to give due opportunity to the parents, the Government considers it expedient to make suitable amendments in the said Act.

2. The provisions which are to be made are explained broadly as follows :-

(a) since the basic needs of pre-primary education are different from that of primary education and separate Act formulation for pre-primary education is in process, it is proposed to delete sub-clause (r) of section 2 of the said Act, which defines "pre-primary school" and also to amend the other related provisions;

(b) with a view to give opportunity to the group of aggrieved parents to file appeal against the decision of fee hike by the school management or executive committee, definition of group of aggrieved parents is included in sub-clause (a-1) of section 2 and relevant provisions are made thereto;

(c) with a view to remove confusion and bringing clarity in the definition of "fee", amendment in the definition of "fee" in sub-clause (k) of section 2 is made ;

(d) with a view to make it convenient to parents and school management to collect fee monthly or bi-monthly or quarterly, provision is made in section 3A(1) and if payment of fee is delayed by the parents, provision regarding the charges for delayed payment is made in section 3A(2);

(e) with a view to select more number of members from amongst the parents than that of the members from school management, amendment is made in section 4(2);

(f) with a view to enable the school management to declare the standardwise fee structure before the admission process, amendment is made in section 6;

(g) with a view to make provision regarding percentage by which fee can be increased and the period for which the fee shall be applicable, amendment is made in section 6;

(h) with a view to enable the school management to increase the fee beyond fee structure in unforeseen events, amendment is made in section 6;

(i) with a view to enable the school management if aggrieved with the decision of executive committee as also to enable the parents if aggrieved with decision of either executive committee or school management, to prefer an appeal against the decision to the Divisional Fee Regulatory Committee amendment is made in section 6;

(j) for the purpose of fixation of fee, rent of the building as per the registered agreement or lease is proposed as a factor in section 9(1)(a-1) and also another amendment is proposed in 9(2)(b);

(k) with a view to enable the Divisional Fee Regulatory Committee to review its own order on receipt written request or statement from executive committee or aggrieved parents group or school management provision is made in section 10(9);

(l) with a view to enable Government to authorize any officer for the purposes of initiation of the action for prosecution or compounding of offence under this Act provision is made in section 16(4).

The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 18th July 2018.

VINOD TAWDE,

Minister for School Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely:-

Clause 3.—Under this clause, which seeks to insert new section 3A in the Maharashtra Educational Institutions (Regulation of Fees) Act, 2011, power is taken to the State Government to decide by order, the rate of penal interest.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.