



The Chhattisgarh Private School Fee Regulation Act, 2020

Act 16 of 2020

Keyword(s):

Non Government School, Guardian Union, Academic Session, Fees

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CHHATTISGARH ACT
(No. 16 of 2020)

CHHATTISGARH NON-GOVERNMENT SCHOOLS FEES
REGULATION **ACT**, 2020.

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CHHATTISGARH ACT
(No. 16. of 2020)

**CHHATTISGARH NON-GOVERNMENT SCHOOLS FEES
REGULATION ACT, 2020.**

An Act to give legal basis to mutual consultation among school management and guardians in the process of fixation of fees in Non-Government Schools and to provide the procedure for fixation of fees.

Be it enacted by the Chhattisgarh Legislature in the Seventy-First Year of the Republic of India, as follows:-

**CHAPTER-I
PRELIMINARY**

1. (1) This Act may be called Chhattisgarh Non-Government Schools Fees Regulation Act, 2020.
- (2) It shall extend to the whole State of Chhattisgarh.
- (3) It shall come into force from the date of its publication in the Official Gazette.

**Short title,
extent and
commencement.**

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

Definitions.

- (1) **'Non-Government School'** means such a school the fees of which is not fixed by Government of Chhattisgarh or Government of India or any organization of Government of Chhattisgarh or Government of India:

Provided that it will not include schools established by minorities under Article 29 and 30 of Constitution of India;

- (2) **'Notification'** means a notification published in the official gazette of Chhattisgarh;
- (3) **'Prescribed'** means prescribed by the rules made under this Act;
- (4) **'District Education officer'** means any officer designated as District Education officer by Government of Chhattisgarh;
- (5) **'Divisional Joint Director Public Instructions'** means any officer designated as Divisional Joint Director Public Instructions by Government of Chhattisgarh;
- (6) **'Collector'** means Collector under Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959);
- (7) **'Commissioner'** means Divisional Commissioner under Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959);
- (8) **'Guardian'** means mother, father guardian or any person who is legally authorized to take care of a child;
- (9) **'Guardian Union'** means a union of guardians of students of any school in which guardians of at least 10 percent of the students of that school are members;
- (10) **'School Fees Committee'** means committee constituted under Section 3;
- (11) **'District Fees Committee'** means committee constituted under Section 4;

- (12) **'State Fees Committee'** means committee constituted under Section 5;
- (13) **'Academic Session'** means, academic session fixed for running schools according to the instructions issued by Government of Chhattisgarh from time to time;
- (14) **'Fees'** means any fees by whatever name called, charged from students of the school or their guardians.

CHAPTER - II
FEES FIXATION COMMITTEES

3. The membership of School Fees Committee shall be as follows:-

School Fees Committee.

- (a) Head of the School Management Committee - **Chairman**
- (b) Nodal Officer nominated by the Collector - **Member**
- (c) One guardian from primary, one guardian from middle, one guardian from High School and one guardian from Higher Secondary of the school, to be nominated by the collector
- **Member**
- (d) One guardian from primary, one guardian from middle, one guardian from High School and one guardian from Higher Secondary of the school, to be nominated by the Principal of the concerned Non-Government School - **Member**
- (e) Principal of the concerned Non-Government School - **Member-Secretary.**

District Fees Committee.

4.

Membership of District Fees Committee shall be as follows:-

- (a) Collector- **Chairman**
- (b) One Accounts Officer or Treasury Officer nominated by the Collector - **Member**
- (c) One Educationist nominated by the Collector - **Member**
- (d) One Jurist nominated by the Collector - **Member**
- (e) Two guardians of Non-Government Schools nominated by the Collector - **Member**
- (f) Two persons from management of Non-Government Schools nominated by the Collector - **Member**
- (g) District Education Officer - **Member-Secretary.**

State Fees Committee.

5.

Membership of the State Fees Committee shall be as follows:

- (a) Minister in-charge of School Education Department, Government of Chhattisgarh - **Chairman**
- (b) Commissioner / Director Public Instructions Chhattisgarh - **Member**
- (c) Finance Controller / Joint Director Finance Directorate of Public Instructions - **Member**
- (d) Secretary in-charge of School Education Department Government of Chhattisgarh- **Member-Secretary.**

Tenure of nominated members of Committees.

6.

The tenure of nominated members of committees under this Act shall ordinarily be for two years:

Provided that they can be removed by the Collector at any time before the end of their tenure without assigning any reason.

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| 7. | The members of committees appointed under this Act shall not be eligible for any pay or allowances for working as members of the committee. | Non eligibility of pay and allowances to members of committees. |
| 8. | Subject to the provisions of this Act and the provisions of rules made under Section (15) the committees constituted under this Act can decide their own procedure. | Procedure of work of committees. |
| 9. (1) | The State Fees Committee constituted under Section 5 may decide the policy for fees to be charged by Non-Government Schools and other committees shall fix the fee in accordance with such policy determined. | Work of the State Fees Committee. |
| (2) | The State Fees Committee constituted under Section 5 may issue general directions to other committees, which will be binding on these committees, | |
| (3) | The State Fees Committee constituted under Section 5 may also do such other work which are given to it by rules made under Section 15. | |

**CHAPTER -III
FIXATION OF FEES**

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| 10. (1) | Management of all Non-Government Schools which are running before the commencement of this Act shall, within 1 month of commencement of this Act and management of all Non-Government Schools which are opened after the commencement of this Act shall, within 3 months of opening of such Non-Government Schools, submit a proposal for approval of fees charged by the Non-Government School to the School Fees Committee constituted under Section 3 and the Committee shall take a decision on the proposal within 1 month. | Fixation of Fees in Non-Government Schools. |
|---------|--|--|

- (2) If the management of the Non-Government School wishes to increase the fees after approval of the fees by the Competent Committee, it will have to submit a proposal for increasing the fees at least 6 months before the beginning of the academic session along with relevant accounts to the School Fees Committee constituted under Section 3 and the Committee, will give its decision on the proposal to increase the fees, as far as may be within 3 months.
- (3) Guardian Union may submit representation regarding fees fixation to the School Fees Committee constituted under Section 3 and the committee shall consider such representations at the time of taking a decision on fees fixation and the information about the fees fixed by the Committee shall be affixed on the notice board.
- (4) The committees constituted under this Act, may call for the accounts and other records from schools for the purpose of fees fixation.
- (5) The committees constituted under this Act may also hold hearings of school management and guardian for the purpose of fixation of fees.
- (6) The committees constituted under this Act shall have the powers of civil courts to ensure for calling account and records or for summoning persons for hearing.
- (7) The school fees committee constituted under Section 3 shall fix the fees of the school after considering the proposal of the Non-Government School management, representations submitted by guardian union and accounts and records of the school and shall keep in mind the facilities provided by the management of the Non-Government School to students during fixed the fees.

- (8) The school fees committee constituted under Section 3 may approve an increase of fees to a maximum of 8 percent of existing fees of the school:

Provided it in the opinion of the committee it is necessary to increase the fees more than 8 percent of the existing fees, it shall forward the proposal along with its recommendation to the District Fees Committee constituted under Section 4 and on receiving such a proposal from the School Fees Committee constituted under Section 3 the District Fees Committee shall take a decision on it and fix the fees as far as may be within 3 months.

- (9) Management of Non-Government Schools shall not charge fee in excess of the fees fixed by the competent committee.

CHAPTER - IV PENALTIES

11. All members of the management committee of the School shall be jointly and severally responsible for compliance of the provisions of the Act,

**All members of
School
Management
Committees to
be responsible
for compliance
with the
provisions of
the Act.**

12. If the school management Committee violates any provision of this Act or the rules made thereunder, every member of the school management committee on being convicted by a competent Court shall-

Penalties.

- (a) For first violation be liable for a fine up to Rs 50,000 or twice the amount

charged in excess of the fees fixed by the competent committee under this Act, whichever is more;

- (b) For each subsequent violation be liable for a fine of Rs 1,00,000 or four times the amount charged in excess of the fees fixed by the competent committee under this Act, whichever is more;
- (c) The trial of cases under this section will be done by a competent court. The provisions of Code of Criminal Procedure, 1973 (2 of 1974) shall be applicable in respect of trial, appeal etc.:

Provided that a Court shall take cognizance of under this Section only on a written complaint of District Education Officer and not otherwise.

CHAPTER - V MISCELLANEOUS

Appeal.	13. School management or guardian unions may appeal against the decision of school fees committee constituted under Section 3 within 30 days of the decision being informed before the District Fees Committee constituted under Section 4 and the committee shall decide the appeal as far as may be within 3 months and the decision of the committee in appeal shall be final.
Maintenance of Records.	14. Non-Government Schools shall maintain records in the manner as may be prescribed by rules made under the Act.
Power to make Rules.	15. (1) Subject to the provision of this Act, State Government may make rules to carry out the provisions of this Act.

- (2) Without affecting the generality of the powers conferred by the previous sub-section, State Government may make rules for-
- (a) Nomination and removal of the members of the committees constituted under this Act;
 - (b) The procedure of the committees constituted under this act and the records to be kept by them;
 - (c) The format of the proposal to be submitted by Non-Government School management to the committee for determining in fees;
 - (d) The records to be maintained by Non-Government Schools regarding fees.
- (3) All rules made under the provisions of this Act shall be laid before the Legislative Assembly as soon as possible.

16. If any difficulty arises in giving effect to the provisions of this Act, then within two years of the commencement of the Act, the State Government may issue such order to clarify the provisions of the Act, not inconsistent with the provision of this Act, as may appear to be necessary and expedient for removing the difficulty.

**Power to
remove
difficulties.**