



TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

CONTENTS

Acts :	Pages.
No. 19 of 2009—Tamil Nadu State Agricultural Council Act ..	74-85
No. 20 of 2009—Tamil Nadu Panchayats (Third Amendment) Act ..	87
No. 21 of 2009—Tamil Nadu Registration of Marriages Act ..	89-93
No. 22 of 2009—Tamil Nadu Schools (Regulation of Collection of Fee) Act ..	95-99
No. 23 of 2009—Tamil Nadu Value Added Tax (Third Amendment) Act ..	101
No. 24 of 2009—Tamil Nadu Agricultural Labourers - Farmers (Social Security and Welfare) Amendment Act ..	103
No. 25 of 2009—Tamil Nadu Value Added Tax (Fourth Amendment) Act ..	105-106
No. 26 of 2009—Tamil Nadu Value Added Tax (Fifth Amendment) Act ..	107
No. 27 of 2009—Tamil Nadu Regulation of Jallikattu Act ..	109-111
No. 28 of 2009—Tamil Nadu Panchayats (Amendment) Act ..	113
No. 29 of 2009—The Indian Stamp and the Registration (Tamil Nadu Amendment) Amendment Act ..	115

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 22 OF 2009

An Act to provide for the regulation of collection of fee by schools in the State of Tamil Nadu and matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

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

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

Definition

(a) “academic year” means the year commencing on the first day of June to the last day of May;

(b) “aided school” means a school receiving any sum of money as aid out of the State funds;

(c) “committee” means the committee constituted under section 5;

(d) “District Committee” means the committee constituted under section 11;

(e) “fee” means any amount, by whatever name called, collected directly or indirectly by a school for admission of a pupil to any standard or course of study;

(f) “Government” means the State Government;

(g) “Government School” means a school run by the Government or any local authority;

(h) “local authority” means—

(i) the Municipal Corporations of Chennai, Madurai, Coimbatore, Salem, Tiruchirappalli, Tirunelveli, Erode, Tiruppur, Vellore, Thoothukudi or any other Municipal Corporation that may be constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920; or

Tamil Nadu
Act
V of 1920.

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994;

Tamil Nadu
Act
21 of 1994.

(i) “management” includes the managing committee or any person, body of persons, committee or any other governing body by whatever name called in whom the power to manage or administer the affairs of a school is vested:

Provided that the Board of Trustees or governing body of Wakf Board, by whatever name called, constituted or appointed by any law for the time being in force relating to the charitable and religious institutions and endowments and Wakfs shall be deemed to be a management for the purposes of this Act;

(j) “private school” means any pre-primary school, primary school, middle school, high school or higher secondary school, established and administered or maintained by any person or body of persons and recognized or approved by the competent authority under any law or code of regulation for the time being in force, but does not include,—

(i) an aided school;

(ii) a school established and administered or maintained by the Central Government or the State Government or any local authority;

(iii) a school giving, providing or imparting religious instruction alone but not any other instructions;

Explanation.—For the purpose of this clause,—

(1) “code of regulation” means the Code of Regulations for Approved Nursery and Primary Schools, Code of Regulations for Matriculation Schools and Code of Regulations for Anglo-Indian Schools;

(2) (i) pre-primary school shall consist of Pre-KG to UKG;

(ii) primary school shall consist of LKG to Standard V or Standards I to V;

(iii) middle school shall consist of LKG to Standard VIII, Standards I to VIII or Standards VI to VIII;

(iv) high school shall consist of LKG to Standard X, Standards VI to X or Standards IX and X;

(v) higher secondary school shall consist of LKG to Standard XII, Standards I to XII, Standards VI to XII or Standards XI and XII.

(3) aided schools conducting any classes or courses, for which no money is paid as aid out of the State funds, shall be construed as a private school in so far as such classes or courses are concerned.

Prohibition of collection of excess fee.

3. (1) No Government school or aided school shall collect any fee in excess of the fee fixed by the Government for admission of pupils to any Standard or course of study in that school.

(2) No fee in excess of the fee determined by the committee under this Act shall be collected for admission of pupils to any Standard or course of study in a private school,—

(a) by any person who is in charge of, or is responsible for, the management of such private school; or

(b) by any other person either for himself or on behalf of such private school or on behalf of the management of such private school.

(3) The fee collected by any school affiliated to the Central Board of Secondary Education shall commensurate with the facilities provided by the school.

Fixation of fee by Government.

4. The Government shall fix the fee for admission of pupils to any Standard or course of study in Government schools and aided schools.

Constitution of committee.

5. (1) The Government shall constitute a committee for the purpose of determination of the fee for admission to any Standard or course of study in private schools.

(2) The committee shall consist of the following members, namely:—

- | | |
|--|---|
| (a) a retired High Court Judge, nominated by the Government. | - Chairperson; |
| (b) Director of School Education. | - <i>Ex-officio</i> Member; |
| (c) Director of Matriculation Schools. | - <i>Ex-officio</i> Member; |
| (d) Director of Elementary Education. | - <i>Ex-officio</i> Member; |
| (e) Joint Chief Engineer (Buildings) Public Works Department. | - <i>Ex-officio</i> Member; |
| (f) Additional Secretary to Government, School Education Department. | - <i>Ex-officio</i> Member—
Secretary. |

(3) The term of office of the Chairperson shall be for a period of three years from the date of his nomination and in the case of vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder of the term.

(4) The Chairperson shall be eligible to draw such rate of sitting fee and travelling allowance as may be applicable to a First Class Committee.

(5) No act or proceeding of the committee shall be invalid by reason only of the existence of any vacancy in, or any defect in, the constitution of the committee.

(6) The Chairperson shall preside over the meeting of the committee.

6. (1) The committee shall determine the fee leviable by a private school taking into account the following factors, namely:—

Factors for determination of fee.

(a) the location of the private school;

(b) the available infrastructure;

(c) the expenditure on administration and maintenance;

(d) the reasonable surplus required for the growth and development of the private school;

(e) any other factors as may be prescribed.

(2) The committee shall, on determining the fee leviable by a private school, communicate its decision to the school concerned.

(3) Any private school aggrieved over the decision of the committee shall file their objection before the committee within fifteen days from the date of receipt of the decision of the committee.

(4) The committee shall consider the objection of the private school and pass orders within thirty days from the date of receipt of such objection.

(5) The orders passed by the committee shall be final and binding on the private school for three academic years. At the end of the said period, the private school would be at liberty to apply for revision.

(6) The committee shall indicate the different heads under which the fee shall be levied.

7. (1) The powers and functions of the committee shall be,—

Powers and functions of the committee.

(a) to determine the fee to be collected by private schools;

(b) to hear complaints with regard to collection of fee in excess of the fee determined by it or fixed by the Government, as the case may be. If the committee, after obtaining the evidence and explanation from the management of the private school or aided school concerned or from the Government school, comes to the conclusion that the private school or the Government school or aided school has collected fee in excess of the fee determined by the committee or fixed by the Government, as the case may be, it shall recommend to the appropriate competent authority for the cancellation of the recognition or approval, as the case may be, of the private school or aided school or for any other course of action as it deems fit in respect of the private school or Government school or aided school.

(2) The committee shall have power to,—

(i) require each private school to place before the committee the proposed fee structure of such school with all relevant documents and books of accounts for scrutiny within such date as may be specified by the committee;

(ii) verify whether the fee proposed by the private school is justified and it does not amount to profiteering or charging of exorbitant fee;

(iii) approve the fee structure or determine some other fee which can be charged by the private school.

(3) The Committee shall have power to,—

(i) verify whether the fee collected by the School affiliated to the Central Board of Secondary Education commensurate with the facilities provided by the school;

(ii) to hear complaints with regard to collection of excess fee by a school affiliated to the Central Board of Secondary Education; and

(iii) to recommend to the Central Board of Secondary Education for disaffiliation of the school, if it comes to a conclusion that the school has collected excess fee.

(4) The committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall, for the purpose of making any inquiry under this Act, have all the powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

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

Regulation of
accounts.

8. The Government may regulate the maintenance of accounts by the private schools in such manner as may be prescribed.

Penalties.

9. (1) Whoever contravenes the provisions of this Act or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to five thousand rupees:

Provided that the court may, for any adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three years.

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

Offences by
companies.

10. (1) Where an offence against any of the provisions of this Act have been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, 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 such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a trust, a firm, a society or other association of individuals, and

(b) “director” in relation to—

- (i) a firm, means a partner in the firm;
- (ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association with the management of the affairs of the society, trust or other association, as the case may be.

District
Committee.

11. (1) There shall be a District Committee in every revenue district, which shall consist of the Chief Educational Officer of the district as Chairperson and such other members as may be prescribed.

(2) The District Committee or any member of the said committee authorised by it in this behalf may, at any time, during the normal working hours of any private school, enter such private school or any premises thereof or any premises belonging to the management of such private school if it or he has reason to believe that there is or has been any contravention of the provisions of this Act or the rules made thereunder and search and inspect any record, accounts, register or other document belonging to such private school or of the management, in so far as any such record, accounts, register or other document

relates to such private school and seize any such record, accounts, register or other document for the purpose of ascertaining whether there is or has been any such contravention.

Central Act
2 of 1974.

(3) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply, so far as may be, to search and seizure under sub-section (2).

12. No court shall take cognizance of any offence under this Act except with the sanction of the Government or such officer as the Government may authorise in this behalf.

Cognizance of
offences.

13. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Operation of
other laws.

14. No suit, prosecution or other legal proceeding shall be instituted against the committee or its members, Government or any officer, authority or person empowered to exercise the powers or perform the functions by or under this Act for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of
action taken
in good
faith.

15. If any difficulty arises as to the first constitution of the committee after the date of commencement of this Act or otherwise in giving effect to the provisions of this Act, the Government may, by notification, make such provision, not inconsistent with the provisions of this Act, as may appear to them to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such notification shall be issued after the expiry of five years from the date of commencement of this Act.

16. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

Power to make
rules.

(2) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification, or the Assembly decides that the rule or notification should not be made or issued, the rule or notification shall, thereafter, 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 under that rule or notification.

(By order of the Governor)

S. DHEENADHAYALAN,
*Secretary to Government,
Law Department.*