

Education Act, 1983

Chapter 5 - Classification and Registration of Educational Institutions

The educational institutions shall be classified as follows:-

- (a) state institutions, that is to say, educational institutions established or maintained and administered by State Government;
 - (b) local authority institutions, that is to say, educational institutions established or maintained and administered by a local authority, and
 - (c) private educational institutions, that is to say,. educational institutions established or maintained and administered by any person or body of persons registered in the manner prescribed.
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Section 30 - Educational institutions to be registered

- (1) Save as otherwise provided in this Act, every local authority institution and every private educational institution established on or before the date of commencement of this Act or intended to be established thereafter, shall notwithstanding anything contained in any other law for the time being in force, be registered in accordance with this Act and the rules made thereunder.
 - (2) No person or local authority shall establish or as the case may be, run or maintain an educational institution requiring registration under this section, unless such institution is so registered.
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Section 31 - Procedure for registration of educational institutions

- (1) Any local authority or any person or registered body of persons intending to,-
 - (a) establish an institution imparting education, or
 - (b) maintain an institution imparting education established on or before the date of commencement of this Act and in existence on such date,shall make an application for registration of such institution to the registering authority within such period and in such manner along with such fee as may be prescribed.
- (2) While registering an institution under sub-section (1), the registering authority shall have due regard to the following matters, namely:-
 - (a) that there is need for providing educational facilities to the people in the locality or for the type of education intended to be provided by the institution;
 - (b) that there is adequate financial provision for continued and efficient maintenance of the institution as prescribed by the competent authority;
 - (c) that the institution is proposed to be located in sanitary and healthy surroundings;
 - (d) that the site for the building, playground and garden proposed to be provided and the building in which the institution is proposed to be housed conform to the rules prescribed therefor;
 - (e) that the teaching staff qualified according to rules made by the State Government in this behalf, is or shall be appointed; and

(f) that the application satisfies the requirements laid down by this Act and the rules and orders made thereunder.

(3) The registering authority shall within a period of three months from the date of receipt of the application,-

(a) register the institution and issue a certificate in the prescribed form, if the conditions specified or prescribed for registration have been complied with; or

(b) specify or extend from time to time, the period for compliance with such conditions:

Provided that the registering authority, may if it deems necessary, obtain and consider a report on the need for such institution from the expert body constituted under section 37 before granting or refusing the registration.

(4) Where any period is specified or extended under clause (b) of sub-section (3), the registering authority may register the institution if the conditions prescribed or specified for registration have been fulfilled within such period and issue a certificate in the prescribed form but shall refuse registration where there has been no such compliance. Every order of refusal shall disclose the grounds for such refusal and shall be in writing and shall be communicated to the concerned applicant.

(5) The Governing Council of an educational institution registered under this section shall give intimation to the registering authority of any change in any of the particulars furnished under sub-section (1) or of closure of the institution, in such form, in such manner and within such time as may be prescribed and the registering authority shall, on receipt of such intimation, amend the register and the registration certificate wherever necessary or, as the case may be, cancel the certificate.

Section 32 - Upgradation of educational institutions etc.

(1) Any local authority or any person or registered body of persons intending to,-

(a) open higher classes in an institution registered under this Act imparting education; or

(b) upgrade any such institution,

may make an application to the registering authority for grant of permission therefor within such period and in such form accompanied by such fee as may be prescribed.

(2) Subject to such rules as may be prescribed, the provisions of sub-sections (2) and (3) of section 31 shall, mutatis mutandis, apply to the granting of permission on such application.

(3) Where permission is granted under this section the certificate of registration issued to the institution shall be altered or modified accordingly.

Section 33 - Registration of a recognised educational institution

(1) Notwithstanding anything contained in section 30, the registering authority shall register a local authority institution or a private educational institution if such institution has been recognised by the State Government or the authority competent to grant such recognition, as the case may be, before the date of commencement of this Act, in accordance with the rules or orders applicable to such recognition and the local authority or the Governing Council, as the case may be, files a statement in the prescribed form before the registering authority within a period of six months from such date.

(2) No fee shall be payable for the registration of an educational institution under sub-section (1).

(3) Notwithstanding anything in sub-section (1), where the registering authority is of opinion that a local authority institution or a private educational institution does not conform to the provisions made by or under this Act, it may direct the local authority concerned or as the case may be, the Governing Council of the private educational institution to bring it in conformity with the same within such period or extended period as it may allow.

Section 34 - Cancellation of registration

(1) Where it appears to the registering authority that in respect of any private educational institution or a local authority institution,-

(a) any condition for registration prescribed or specified under sub-section (2) of section 31 or the provisions of this Act or the rules made thereunder relating to registration are violated; or

(b) the local authority or the Governing Council to which a direction was given under sub-section (3) of section 33 has contravened the direction,

it may, after holding such enquiry as it deems fit, send report to the competent authority recommending the cancellation of registration of such institution.

(2) The competent authority may upon the receipt of the report under sub-section (1), after giving the local authority or the Governing Council an opportunity of being heard, order the cancellation of the certificate of registration of the institution and the removal of its name from the register. Every such order shall be communicated to the local authority or the Governing Council and to the registering authority.

Section 35 - Registration of Tutorial Institutions

(1) (a) On or after the commencement of this Act, no tutorial institution shall be started without prior registration and an application for such registration shall be made to the registering authority in the prescribed manner along with such fee as may be prescribed;

(b) In the case of a tutorial institution in existence at the commencement of this Act, any person or body of persons managing such institution shall within ninety days from such commencement make an application for registering to the registering authority and if no such application is so made or if the registering authority communicates to him an order refusing the registration of institution under sub-section (2), the person or body of persons managing such institution shall not run the institution from the date of expiration of ninety days aforesaid or the date of communication of such order of refusal as the case may be.

(2) On receipt of an application under sub-section (1), the registering authority may, after satisfying itself whether or not the application contains all the prescribed particulars and that the tutorial institution complies with the minimum requirements prescribed in regard to the sanitary condition of the premises and the qualifications of the teaching staff, either register the tutorial institution in a separate register to be maintained for the purpose or refuse the registration, and shall, where it so registers the institution, issue in the prescribed form a registration certificate in the name of the tutorial institution.

(3) The person or body of persons managing every tutorial institution so registered, shall submit to the registering authority within two months after the end of every academic year, an annual report regarding the coaching facilities provided by it during the academic year.

(4) The persons or body of persons managing every tutorial institutions so registered shall give intimation to the registering authority of any change in any of the particulars furnished under sub-section (2), or of closure of the institution, in such form, in such manner and within such time as may be prescribed, and the registering authority shall, on receipt of such intimation, amend the register referred to in sub-section (2) and the registration certificate wherever necessary, or as the case may be, cancel the certificate and notify the same.

(5) Where the person or body of persons managing any tutorial institution has, in the opinion of the registering authority, contravened any of the conditions subject to which the registration certificate is issued, the registering authority may, after giving the person or body of persons an opportunity of making a representation, cancel the registration certificate and remove the name of the institution from the register referred to in sub-section (2) and notify the same.
