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Education Act, 1983

Chapter 7 - Management of Recognised Private Educational Institutions and Local Authority Institutions, Etc.

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(1) It shall be the duty of the management of local authority institution to comply with all the provisions of this Act and the rules or orders made thereunder.

(2) Without prejudice to the generality of the fore-going provision, it shall be the duty of the management of a local authority institution,-

(a) to ensure that all monies collected by or granted or allotted to the local authority by or under this Act, are expended for educational purposes; and

(b) to submit every year before such date and to such authority, as may be prescribed, an annual report relating to the administration of the local authority institution and an annual budget estimate relating thereto.

Section 41 - Management of recognised educational institutions

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(1) No recognised private educational institutions shall be managed except in conformity with the rules which the State Government may frame for such institutions after previous publication.

(2) The rules under sub-section (1) may, inter alia, include,-

(a) qualification for posts of teaching and non-teaching employees;

(b) the manner of recruitment of the teaching and non-teaching employees;

(c) scales of pay and allowances admissible;

(d) leave, pension, provident fund, insurance and such other benefits;

(e) maintenance and enforcement of discipline of employees;

(f) powers, functions and responsibilities of the management;

(g) duties and responsibilities of the Secretary; and

(h) maintenance and submission of records, accounts and other returns to the prescribed authority.

(3) While recruiting the teaching and non-teaching employees, every recognised educational institution shall comply with the orders issued by the State Government from time to time for reservation of posts to Scheduled Castes, Scheduled Tribes and other backward classes of citizens and the weaker sections of people.

(4) The Governing Council shall have the power to appoint the head of the institution and also to take disciplinary action against him according to the prescribed rules.

(5) If there is a change in the Governing Council of the institution or change in the location of the institution a fresh application for recognition shall be made as if it were a newly started institution.

Section 42 - Managing Committee

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(1) Every recognised private educational institution shall have a Managing Committee by whatever name called.

(2) the Managing Committee shall be reconstituted once in two years.

(3) the Managing Committee shall consist of not less than eleven and not more than fifteen members nominated by the Governing Council, of whom not less than three including the academic head of the institution and two members of the teaching staff shall be representatives of teachers of the institution and at least two others shall be representatives of parents selected in accordance with the prescribed rules:

Provided that,-

(a) such members of the staff shall be nominated by rotation according to seniority for a period of two years each; and

(b) where the institution has less than three members of the teaching staff, all of them shall be representatives of the teachers:

Provided further that not more than two persons who are close relations shall be nominated as members of the Managing Committee. For the purpose of this proviso close relations means, spouses, parents, children, brothers, sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, parents-in-law, father's brothers and sisters, mother's brothers and sisters, brothers or sister's sons or daughters.

Explanation.- The number mentioned in this sub-section shall be in addition to the representatives, if any, of the University Grants Commission, the Medical Council of India, the All India Council for Technical Education, the State Government or of the University concerned, required by or under any law for the time being in force.

(4) Notwithstanding anything contained in sub-sections (1) to (3), the Board of trustees or Governing Body or wakf board, by whatever name called, constituted or appointed under any other law for the time being in force relating to charitable and religious institutions and endowments and wakfs, shall be deemed to be a Managing Committee constituted under this sub-section.

Section 43 - President and Secretary

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(1) There shall be a President and Secretary for every Managing Committee appointed from among its members:

Provided that no employee of the private educational institution other than its academic head shall be chosen as the secretary:

Provided further that every person who, on the date of commencement of this Act, is exercising the powers of the secretary, shall be deemed to be the Secretary of the institution.

(2) The Secretary shall, subject to the general superintendence and control of the Managing Committee, be the Chief Executive of the institution in all matters pertaining to the private educational institution and all acts done by the Secretary in connection with the affairs of the educational institution shall be binding on the Governing Council provided that the Governing Council may within a period of fifteen days from the date of the aforesaid acts of the Secretary, modify or cancel such act.

(3) The Secretary shall be the custodian of all its property and records and shall be responsible for their proper custody, maintenance and safety. He shall exercise such other powers and perform such other duties as may be prescribed.

Section 44 - Removal of the Secretary

Notwithstanding any-thing contained in section 43, if at any time the competent authority is satisfied that the Secretary is not managing the private educational institution in accordance with the

provisions of this Act and the rules, it may direct the Governing Council to replace the Secretary by another person. The Governing Council shall be bound to comply with the said direction.

Section 45 - Meetings, etc.

(1) The Managing Committee shall hold such number of meetings at such place and observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at the meetings) as may be prescribed:

Provided that the Managing Committee shall meet at least once in three months.

(2) The President or in his absence, any member chosen by the members present shall preside at a meeting.

(3) All questions at the meeting shall be decided by a majority of votes of the members present and voting and in the case of equality of votes, the person presiding shall have the right to exercise a second or casting vote.

Section 46 - Powers and functions of the Managing Committee

(1) Subject to the provisions of this Act and the rules prescribed thereunder, the Managing Committee shall have the following powers and functions, namely:-

(a) to carry on the general administration of the private educational institution;

(b) to appoint teachers and other employees of the private educational institutions except the head;

(c) to take disciplinary action against the teachers and other employees except the head of the institution;

(d) to supervise and control the employees of the institution; and

(e) any other matters which may be prescribed.

(2) Any decision or action taken by the Managing Committee shall be communicated by the secretary to the Governing Council within fifteen days therefrom. Any decision or action taken and so communicated shall be deemed to be the decision or action taken by the Governing Council unless the Governing Council within a period of twenty-one days from the date of receipt of the communication rescinds or modifies it.

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