

Education Act, 1983

Chapter 15 - Control of Private Educational Institution

The Governing council of private educational institutions shall be governed by such Code of Conduct as the State Government may after previous publication prescribe. In such other matters arising under this Act and not covered by the Code of Conduct aforesaid, the Governing Council shall be governed by such Code of Conduct prepared by it with the prior approval of the State Government as is not inconsistent with the Code of Conduct prescribed by the State Government which shall be communicated to the competent authority for information.

Section 103 - Furnishing of list of properties

- (1) Every private educational institution shall, maintain a list of the properties, both moveable and immoveable owned or possessed by it.
 - (2) The management shall, on or before the prescribed date, furnish to the competent authority a copy of such list in the manner and form as may be prescribed.
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Section 104 - Utilisation of Funds, etc.

- (1) All moneys collected, grants received and all property held by the management on behalf of a private educational institution shall be utilised for the prescribed purposes and the purposes for which they are intended and shall be accounted for by the private educational institution in such manner as may be prescribed.
 - (2) The funds of the private educational institution shall be deposited by it in such manner as may be prescribed.
 - (3) The Governing Council shall, within a time which the competent authority may fix, reimburse to the account of the private educational institution any money which it has failed to account for under sub-section (1). If the money is not so reimbursed within the time so fixed the competent authority shall recover the same from the Governing Council, as arrears of land revenue and credit it to the account of the institution.
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Section 105 - Private Institution not to be closed down, etc., without sufficient notice

- (1) Save as otherwise provided in this Act, no private educational institution shall be closed down or discontinued, unless a notice of not less than one academic year and indicating the intention to do so, has been given by the Governing Council to the officer authorised by the competent authority in this behalf.
 - (2) On the closure of a recognised private educational institution, all its properties relatable to the grant-in-aid given by the State Government as may be determined by the competent authority shall vest in the State Government.
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Section 106 - Governing Council to hand over properties, records, etc., to competent authority on closure, etc., of private educational institution

(1) In the event of the private educational institution being closed down or discontinued or its recognition being withdrawn the Governing Council shall hand over or cause to be handed over to the competent authority the custody of all the properties, records and accounts of the institution in its possession.

(2) (a) Where the competent authority is resisted in or prevented from obtaining the custody of properties, records or accounts of the institution by such management, any Judicial Magistrate of the First Class having jurisdiction shall, on an application made by the competent authority, by order, after notice to the Governing Council, direct the handing over of the custody of such properties, records or accounts of the institution to the competent authority within the time specified in such order.

(b) Where the Governing Council fails to hand over the custody of the properties, records or accounts within the time specified in the order of the Magistrate under clause (a), it shall be punished with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both, and the Magistrate shall cause the custody of the properties, records or accounts to be handed over to the competent authority taking such police assistance as may be necessary.

(3) Nothing in this section shall apply to a private educational institution under the management of a charitable or religious institution, charitable or religious endowment or wakf.

Section 107 - Restriction on alienation of property of private educational institution

(1) Notwithstanding anything in any law for the time being in force, no sale, mortgage, lease, pledge, charge or transfer of possession in respect of any property of a private educational institution shall be made or created except with the previous permission in writing of the competent authority on an application made in this behalf.

(2) (a) No permission applied for under sub-section (1) shall be refused by the competent authority except where the grant of such permission will in its opinion, adversely affect the working of the institution.

(b) The competent authority shall pass an order, either granting or refusing permission applied for, within a period of sixty days from the date of receipt of the application.

(3) Any person aggrieved by an order refusing permission under sub-section (2) may, in such manner and within such time, as may be prescribed, appeal to the prescribed authority.

(4) Any transaction made in contravention of sub-section (1) shall be null and void.

Section 108 - Liability of Secretary to repay debts incurred in certain cases

Where any secretary incurs debt for the purpose of running an educational institution without proper authorisation by the Governing Council or the Managing Committee as the case may be of such institution and where it is found by the competent authority after making an enquiry that the monies received through such debts have not been utilised for running the institution. It shall be the personal liability of such secretary to discharge the said debts.
