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Education Act, 1983

Chapter 17 - Penalties

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(1) If any person fails to furnish any information as required by sub-section (4) of section 17, he shall, on conviction, be punished with fine which may extend to twenty-five rupees.

(2) If any parent fails to comply with an attendance order passed under section 17, he shall, on conviction, be punished with fine not exceeding two rupees and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions:

Provided that the amount of fine in any one year shall not exceed one hundred rupees.

Section 114 - Penalty for contravention of section 18

If any person contravenes the provisions of section 18, he shall, on conviction, be punished with fine which may extend to twentyfive rupees, and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions.

Section 115 - Penalty for contravention of section 23

Any person who contravenes the provisions of section 23 shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Section 116 - Penalty for ragging

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(1) No person who is a student in an educational institution including an institution under the direct management of the University or of the Central Government shall commit ragging.

(2) Any person who contravenes sub-section (1) shall on conviction be punished with imprisonment for a term which may extent to one year or with fine which may extend to two thousand rupees or with both.

Section 117 - Penalty for copying at examinations

Whoever is found by an invigilator or any other person appointed to supervise the conduct of an examination contravening section 24 shall, on conviction, be punished with an imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

Section 118 - Penalty for impersonating at examinations

Any person who contravenes the provisions of section 25 shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees but not less than one hundred rupees or with both.

Section 119 - Punishment for loitering, etc., near an examination centre

Any person who contravenes the provisions of section 26 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

Section 120 - Punishment for alteration of answers written at an examination

(1) Any person who contravenes the provisions of section 27 shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees but not less than one hundred rupees or with both.

(2) Any person who commits any offence affecting the body or against the property of any person entrusted with any work relating to or appointed in connection with any examination, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees but not less than one thousand rupees or with both.

Section 121 - Prohibition of other malpractices at examinations etc.

Any person who adopts or takes recourse to any malpractice other than those punishable under sections 115, 117, 118, 119 and 120 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to three thousand rupees but not less than five hundred rupees or with both.

Section 122 - Punishment for contravention of section 28

Any person, who, without reasonable excuse, refuses to do any work connected with any examination and assigned to him, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Section 123 - Penalty for establishing unregistered educational institutions etc.

Any person, who, establishes or as the case may be, maintains or runs an educational institution in contravention of section 30 or after registration is refused for such institution under section 31 or cancelled under section 34, shall on conviction, be punished with imprisonment for a term which may extend to three years but shall not be less than six months and with fine which may extend to five thousand rupees but not less than one thousand rupees.

Section 124 - Penalty for maintaining or running unregistered tutorial institutions

(1) Any person who maintains or runs a tutorial institution in contravention of the provisions of clause (b) of sub-section (1) of section 35 or who establishes and maintains a tutorial institution without obtaining the registration certificate under sub-section (2) of the said section or who after the cancellation of the registration certificate issued to him under that sub-section continues to run such an institution, shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees:

Provided that for a second or any subsequent conviction under this section, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Section 125 - Penalty for collecting money in contravention of section 51

Where any educational institution is found to be collecting money in contravention of the provisions of sub-section (2) of section 51, every person, who at the time of such collection was incharge of, and shall be responsible to the institution for its management shall, on conviction, be punished with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees. On such conviction the institution shall refund the monies so collected to the person from whom it was collected.

Section 126 - Penalty for contravention of code of conduct by Governing Council

Where any Governing Council, intentionally or knowingly contravenes any code of conduct prescribed in sub-section (1) of section 102, every member thereof, shall without prejudice to any other action as may be taken under this Act and the rules made thereunder, be punished, on conviction, with fine not exceeding five hundred rupees for every such contravention.

Section 127 - Penalty for failure to give notice of closure of institutions

If the Governing Council of any private educational institution fails to give the notice required under sub-section (1) of section 105 every member thereof shall on conviction be punished with simple imprisonment which may extend to two months or with fine which may extend to one thousand rupees or with both and with fine of fifty rupees for every day's default.

Section 128 - Penalties not otherwise provided for

If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or rules made thereunder other than those punishable under the provisions hereinbefore contained, he shall, on conviction, be punished with fine which may extend to five hundred rupees for every such contravention and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of contravention of the Act or rules.

Section 129 - Offences by companies

(1) Where an offence against any of the provisions of this Act or any rule made thereunder has 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 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 had 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 the 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) a company, means any body corporate and includes a trust a firm a society or other association of individuals; and

(b) the director in relation to,-

(i) a firm, means a partner in the firm.

(ii) a society, a trust or other association of the individuals, means the person who is entrusted, under the rules of the society, trust or other association with management of the affairs of the

society, trust or other association as the case may be.

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