

Education Act, 1983

Section 145 - Power to Make Rules

(1) The State Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for,-

- (i) the classes or standards of education and upto which shall be considered as primary education;
- (ii) the curricula, etc., specified under sub-section (1) of section 7;
- (iii) the duties and functions of the Vigilance Cells;
- (iv) the authorities and the manner in which appointments are to be made to the posts sanctioned under sub-section (2) of section 9 and the powers and functions of the officers and staff;
- (v) the composition and powers of the boards constituted under section 10;
- (vi) the steps to be taken for providing necessary facilities for imparting compulsory primary education before notifying any area to be specified area;
- (vii) the manner in which lists of children shall be prepared by the attendance authority in any specified area;
- (viii) the distance beyond which a child cannot be compelled to attend an approved school;
- (ix) the manner in which any enquiry under this Act shall be passed;
- (x) the form in which an attendance order under this Act shall be held;
- (xi) the registers, statements, reports, returns, budgets and other information to be maintained or furnished by approved schools for the purpose of this Act;
- (xii) the declaration as to what constitutes secondary or higher secondary education, technical education, special education, school places, school-age and attendance in schools or other institutions;
- (xiii) the establishment or maintenance and administration of educational institutions;
- (xiv) the grant of registration or recognition to educational institutions and the conditions therefor;
- (xv) the period and the manner for applying for registration of institutions;
- (xvi) the form of the register maintained for registration of educational institutions and tutorial institutions and of the registration certificate;
- (xvii) the manner of submission of the report of the expert body;
- (xviii) the conditions for recognition of existing institutions and the procedure therefor;
- (xix) regulating the rates of fees, the levy and collection of fees in educational institutions;

- (xx) the manner in which accounts, registers, records and other documents shall be maintained in the educational institutions and the authority responsible for such maintenance;
- (xxi) the submission of returns, statements, reports and accounts by managements or owners of properties of educational or tutorial institutions;
- (xxii) the inspection of educational and tutorial institutions and the officers by whom inspection shall be made;
- (xxiii) the mode of keeping and the auditing of accounts of such institutions;
- (xxiv) the standards of education and courses of study in educational institution;
- (xxv) the grant of sums by the State Government to educational institutions towards providing scholarships, bursaries, fee concessions and the like;
- (xxvi) the preparation and submission of development plan for educational institutions in general and for technical education and the contents of such plans;
- (xxvii) the powers and the functions of the officers and other sub-ordinate staff of the Education Department;
- (xxviii) the preparation and sanction of building plans and estimates of the educational institutions and the requirements to be fulfilled by the buildings for the educational institutions maintained by the local authorities and private institutions;
- (xxix) the purposes for which the premises of the educational institutions may be used and the restrictions and conditions subject to which such premises may be used for any other purpose;
- (xxx) the regulation of the use of text books, maps, plans, instruments and other labouratory and sports equipment in the institution;
- (xxxi) the regulations for admission into educational institutions of pupils for the academic course, private study and other special courses and the attendance thereat;
- (xxxii) the qualifications necessary and other conditions to be fulfilled for appearing at the examinations conducted by the authorities under this Act and the method of valuation or revaluation of answer scripts;
- (xxxiii) the opening of special night schools and conditions for their working and of parallel sections or classes in the institutions for linguistic minorities;
- (xxxiv) the manner of conducting the class and terminal examination and promotion of pupils to higher classes;
- (xxxv) the donations or contributions and the conditions subject to which they may be accepted by the educational institutions from the public and the naming of institutions.
- (xxxvi) the conditions for co-education in the educational institutions and the regulation of the conduct and discipline of pupils and the penalty for misconduct or indiscipline;
- (xxxvii) the manner of services of notices, orders and other proceedings, of presenting appeals or applications for revision or review and the procedure for dealing with them and the fee in respect thereof;
- (xxxviii) the scale of fees or charges or the manner of fixing fees or charges payable in respect of any certificate, permission, marks lists or other document for which such fees may be collected;
- (xxxix) elections to the Student Associations or Unions;
- (xL) all matters expressly required or allowed by this Act to be prescribed or in respect of which this Act makes no provision or makes insufficient provision and a provision is, in the opinion of the State Government, necessary for the proper implementation of this Act;

(3) Any rule may be made under this Act with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement to be laid before both Houses of the State Legislature.

(4) Every notification issued and every rule made under this Act, shall immediately after it is issued or made be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or in the rule or in the annulment of the notification or the rule, the notification or the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled, 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 notification or rule.