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SECRET

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<sup>1</sup>[TAMIL NADU] ACT No. 23 OF 1966.<sup>2</sup>

THE <sup>1</sup>[TAMIL NADU] PRIVATE EDUCATIONAL INSTITUTIONS (REGULATION) ACT, 1966.

*[Received the assent of the President on the 19th January 1967, first published in the Fort St. George Gazette on the 25th January 1967 (Magha 2, 1888).]*

*An Act to provide for the regulation of certain unrecognised private educational institutions in the <sup>3</sup>[State of Tamil Nadu].*

BE it enacted by the Legislature of the <sup>3</sup>[State of Tamil Nadu] in the Seventeenth Year of the Republic of India as follows:—

## CHAPTER I.

### PRELIMINARY.

Short title,  
extent,  
application and  
commencement.

1. (1) This Act may be called the <sup>1</sup>[Tamil Nadu] Private Educational Institutions (Regulation) Act, 1966.

(2) It extends to the whole of the <sup>3</sup>[State of Tamil Nadu].

(3) (a) Sections 5 and 9 shall apply to every private educational institution.

(b) The other provisions of this Act shall apply to every private educational institution having at any time more than—

(i) fifty students on its rolls, in case it imparts technical education ; or

<sup>1</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette Extraordinary*, dated the 5th August 1966, Part IV—Section 3.

<sup>3</sup> This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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(ii) one hundred students on its rolls, in any other case ; or

(iii) six thousand rupees as its annual receipts.

(c) Notwithstanding anything contained in clause (a) or (b), nothing contained in this Act shall apply to any educational institution—

(i) maintained, recognised or approved by or under authority from the Government or maintained or approved by, or affiliated to, any University established by law ; or

(ii) imparting medical education.

(4) It shall come into force on such date as the Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,— **Definitions.**

(a) “academic year” means the year commencing on the first day of June ;

(b) “certificate”, “degree” or “diploma” means any certificate, degree, diploma or other academic distinction granted or conferred by—

(i) any University established by law ; or

(ii) any institution established or incorporated by or under any law or declared by Parliament by law to be an institution of national importance and empowered by or under any such law to grant or confer any certificate, degree, diploma or other academic distinction ; or

(iii) (1) any officer or authority empowered, or

(2) any body of individuals not falling under sub-clause (i) or (ii) established or approved,

in this behalf by the Central Government or any State Government ; or

(iv) any other institution not falling under sub-clause (i), (ii) or (iii) ;

(c) "competent authority" means any person, officer or other authority authorised by the Government, by notification, to perform the functions of the competent authority under this Act for such area or in relation to such class of private educational institutions, as may be specified in the notification ;

(d) "Government" means the State Government ;

(e) "manager" in relation to a private educational institution means the person in whom the authority to manage and conduct the affairs of the private educational institution is vested ;

(f) "private educational institution" means any college, school or other institution, whether or not called a tutorial college, school or institute or training centre established and run with the object of preparing, training or guiding its students for any certificate, degree or diploma and includes any institution mentioned in sub-clause (iv) of clause (b).

## CHAPTER II.

## PERMISSION FOR ESTABLISHING OR RUNNING PRIVATE EDUCATIONAL INSTITUTIONS.

3. Save as otherwise provided in this Act, on or after the date of the commencement of this Act—

Private educational institution to obtain permission.

(a) no private educational institution in existence on that date shall, after the expiry of six months from the said date, be run; and

(b) no private educational institution shall be established,

without the permission of the competent authority and except in accordance with the terms and conditions specified in such permission.

4. (1) The manager of every private educational institution in existence on the date of the commencement of this Act and of every private educational institution proposed to be established on or after that date shall make an application to the competent authority for permission to run such institution or to establish such institution, as the case may be.

Application for permission.

(2) Every such application shall—

(a) be in the prescribed form;

(b) be accompanied by such fee not exceeding five hundred rupees as may be prescribed; and

(c) contain the following particulars, namely:—

(i) the name of the private educational institution and the name and address of the manager;

(ii) the certificate, degree or diploma for which such private educational institution prepares, trains or guides or proposes to prepare, train or guide its students or the certificate, degree or diploma which it grants or confers or proposes to grant or confer;

(iii) the amenities available or proposed to be made available to students;

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(iv) the names of the members of the teaching staff and the educational qualifications of each such member;

(v) the equipment, laboratory, library and other facilities for instruction ;

(vi) the number of students in the private educational institution and the groups into which they are divided ;

(vii) the scales of fees payable by the students ;

(viii) the sources of income to ensure the financial stability of the private educational institution ;

(ix) the situation and the description of the buildings in which such private educational institution is being run or is proposed to be established ; and

(x) such other particulars as may be prescribed.

Requirements with respect to name of private educational institution.

5. (1) Every private educational institution shall include in its name—

(a) the words “Tutorial Centre” or “Tutorial Institute”, if it prepares, trains or guides its students for any certificate, degree or diploma granted or conferred by any University established by law or by any institution, officer, authority or body of individuals mentioned in sub-clause (ii) or (iii) of clause (b) of section 2 ; and

(b) the words “Training Centre”, if it is an institution mentioned in sub-clause (iv) of clause (b) of section 2.

(2) Subject to the provisions of sub-section (1), no private educational institution shall style itself under any name except in accordance with such rules as may be made in this behalf and without the approval of the competent authority.

Grant of permission.

6. On receipt of an application under section 4 the competent authority may grant or refuse to grant the permission after taking into consideration the particulars contained in such application ;

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Provided that the permission shall not be refused under this section unless the applicant has been given an opportunity of making his representations:

Provided further that in case of refusal of the permission the applicant shall be entitled to refund of one-half of the amount of the fee accompanying the application.

7. (1) The competent authority may, at any time, cancel the permission granted under section 6, if such permission has been obtained by fraud, misrepresentation or suppression of material particulars or where after obtaining the permission, there is contravention of any of the provisions of this Act or any rule made thereunder or of any of the terms or conditions of the permission or of any direction issued by the competent authority under this Act. Power to cancel permission.

(2) Before cancelling the permission under subsection (1), the competent authority shall give the manager an opportunity of making his representations.

8. (1) (a) Whenever the management of any private educational institution is proposed to be transferred, the manager and the person to whom the management is proposed to be transferred may, before such transfer, apply jointly to the competent authority for approval of the transfer. Transfer of permission.

(b) On any transfer of the management of the private educational institution, without approval having been obtained for such transfer under clause (a), the transferee shall, if he desires to run it as such, within three months of the date of the transfer, apply to the competent authority for approval of the transfer.

(c) An application under clause (a) or (b) shall be in such form, contain such particulars and be accompanied by such fee not exceeding two hundred and fifty rupees as may be prescribed.

(2) The competent authority may, on receipt of the application and the fee under sub-section (1) and after making such inquiry as it thinks fit, approve the transfer subject to such conditions as it may impose or refuse such approval:

Provided that the approval shall not be refused under this section unless the applicant has been given an opportunity of making his representations.

Special provision regarding certificates, degrees or diplomas issued by private educational institutions.

9. Any certificate, degree or diploma issued by any institution mentioned in sub-clause (iv) of clause (b) of section 2 shall be in such form and contain such particulars as may be prescribed.

Annual list of private educational institutions to be published.

10. The Government shall publish on or before the first day of June in each year in the *\*Fort St. George Gazette*, a list containing the names of all private educational institutions which have been granted permission under section 6 during the period ending with the thirty-first day of March immediately preceding and a list of private educational institutions in relation to which such permission has been cancelled during the period aforesaid.

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\* Now the *Tamil Nadu Government Gazette*.

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## CHAPTER III.

## ACCOUNTS, AUDIT, INSPECTION AND RETURNS.

11. Every private educational institution shall keep Accounts. accounts in such manner and containing such particulars as may be prescribed.

12. (1) The accounts of every private educational Annual audit institution shall be audited at the end of every academic of accounts. year by a chartered accountant in practice within the meaning of the Chartered Accountants Act, 1949 (Central Act XXXVIII of 1949).

(2) The manager shall, within six months after the end of the academic year, submit to the competent authority the report of such chartered accountant on the audit of the accounts under sub-section (1).

13. (1) No private educational institution and no Closure of private educational institution. class in a private educational institution shall be closed without a notice in writing having been given to the competent authority and without satisfying the competent authority that adequate arrangements have been made either for the continuance of the instruction of the students of the private educational institution or the class, as the case may be, for the period of study for which the students have been admitted or for the refund of the fees paid by the students.

(2) The period of notice under sub-section (1) shall be such as may be prescribed and different periods of notice may be prescribed for different classes of private educational institutions.

(3) No notice under sub-section (1) shall be withdrawn without the consent of the competent authority.

14. (1) Any private educational institution may be Inspection. inspected by the competent authority whenever it considers necessary.

(2) The competent authority may direct the manager to rectify the defects, if any, found during the course of the inspection, within such time as the competent authority may fix in this behalf.

Directions of  
the competent  
authority.

15. Without prejudice to the provisions of section 14, the competent authority may, from time to time, issue such directions regarding the management of a private educational institution as it may think fit and it shall be the duty of the manager of such private educational institution to carry out such directions within such time as may be fixed by the competent authority in this behalf.

Private  
educational  
institutions to  
furnish  
returns, etc.,  
and  
information.

16. Every private educational institution shall, within such time or within such extended time as may be fixed by the competent authority in this behalf, furnish to the competent authority such returns, statistics and other information as the competent authority may, from time to time, require.

#### CHAPTER IV. MISCELLANEOUS.

Appeals.

17. (1) Any manager aggrieved by any decision of the competent authority under any of the provisions of this Act may, within two months from the date of the receipt of the decision by him, prefer an appeal against such decision to such authority as may be prescribed :

Provided that the appellate authority may, in its discretion, allow further time not exceeding one month for preferring any such appeal, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of making his representations, dispose of the appeal as expeditiously as possible.

(3) The appellate authority may, pending the exercise of its powers under this section, pass such interlocutory orders as it may deem fit.

18. (1) If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or any rule made thereunder, he shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention. Penalties.

(2) If any person wilfully obstructs any person, officer or authority from entering any private educational institution in the exercise of any power conferred on him or it by or under this Act, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both.

19. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Offences by companies.

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 exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act 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, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also 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) “company” means any body corporate, and includes a firm or other association of individuals ; and

(b) “director” in relation to a firm, means a partner in the firm.

Cognizance of offences.

20. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an officer authorised by the Government in this behalf.

Jurisdiction of criminal courts.

21. No court inferior to that of a \*presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

\* According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate with effect on and from 1-4-1974.

22. Notwithstanding anything contained in this Act, Power to the Government may, subject to such conditions as they deem fit, by notification, exempt any private educational institution or class of private educational institutions from all or any of the provisions of this Act or from any rule made under this Act.

23. Every authority and every officer duly authorised to discharge any duty imposed on it or him by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860). **Competent authority, etc., to be public servant.**

24. No civil court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by any authority or officer mentioned in this Act. **Civil courts not to decide questions under this Act.**

25. (1) Any order passed or decision taken by any authority or officer in respect of matters to be determined for the purposes of this Act, shall, subject only to appeal, if any, provided under this Act, be final. **Finality of orders passed under this Act.**

(2) No such order or decision shall be liable to be questioned in any court of law.

26. (1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder. **Indemnity.**

(2) (a) No suit, prosecution or other proceeding shall lie against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government.

(b) No authority or officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

(3) No suit, prosecution or other proceeding shall be instituted against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder after the date of the expiry of six months from the date of the act complained of.

Power to make rules. 27. (1) The Government may 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 all or any of the following matters, namely :—

(a) the form in which the application referred to in sub-section (1) of section 4 shall be made and the particulars which such application shall contain ;

(b) the manner in which accounts shall be kept under section 11 and the particulars which such accounts shall contain ;

(c) the manner of conveying decisions of the competent authority to the manager ; and

(d) any other matter which has to be, or may be, prescribed.

Power to remove difficulties. 28. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

Act to override other enactments. 29. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Publication of rules, commencement of rules and notifications and placing of rules, notifications and orders on the table of the Legislature. 30. (1) All rules made under this Act shall be published in the \**Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

\* Now the *Tamil Nadu Government Gazette*.

(3) Every rule made and notification issued under this Act and every order made under section 28 shall, as far as possible, after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification of any such rule, notification or order or both Houses agree that the rule, notification or order should not be made or issued, the rule, notification or order shall thereafter have effect only in such modified form or be of no effect, 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 rule, notification or order.

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