

(Authoritative English Text of Government Notification No Shimla –2(Ga) 6-1/98 dated 30<sup>th</sup> May, 2003 as required under clause (3) of Article 348 of the constitution of India)

Government of Himachal Pradesh  
Education Department

No. Shiksha-II- (Ga) 6-1/98-----Dated Shimla-171002

### NOTIFICATION

In exercise of the powers conferred by section 27 of the Himachal Pradesh Private Educational Institutions (Regulation) Act, 1997 (Act No.14 of 1999), the Governor of Himachal Pradesh pleased to make the following rules for carrying out the purposes of the Act ibid after the same having been previously published in the Rajpatra, Himachal Pradesh 2<sup>nd</sup> August, 2003 vide this Department Notification of even number dated 30<sup>th</sup> May, 2003 for the general information of the public, namely: -

#### Chapter-I

##### Preliminary

1. Short title: - These rules may be called the Himachal Pradesh Private Educational Institutions (Regulation) Rules

, 2003.

2. Definitions: -

(1) In these rules, unless there is any thing repugnant in the context: -

(a) ‘Act’ means the Himachal Pradesh Private Educational Institutional (Regulation) Act, 1997, Act No. 14 of 1999);

(b) (From) means a form appended to these rules and

(c) “Section” means a section of the act,

(2) All other words and expression used in these rules, but not defined herein shall have the same meaning as respectively assigned to them in the Act.

#### Chapter –II

##### Permission for establishing or running private Educational Institutions: -

3. Private Educational Institutions to obtain permission: -The application under section –3 shall be made by the manager of every private Institution in form –I

4. Application for permission:-(1) The application under section- 4 shall be made by the manager of private educational institution to the competent authority.

(2) Every application under clause (b) of sub section (2) of section 4 shall be accompanied by a non- refundable fee in the form of crossed bank demand draft drawable in favour of the concerned competent authority who shall invariably deposit the same in Government

Treasury under relevant Head of account before carrying out inspection of such institutions. The fee for the purpose shall be as follows: -

- i) Primary Institutions (Class I to V) Rs. 3000/-
- ii) Middle Institutions (Class VI to VIII) Rs. 4000/-
- iii) High Institutions (Class IX to X) Rs. 5000/-
- iv) High Institutions (Class VI to X) Rs. 5000/-
- v) Senior Secondary Institutions (+1&+2) Rs. 6000/-
- vi) Senior Secondary Institutions (VI to +2) Rs. 6000/-
- vii) Colleges (Higher Education) Rs 8000/-

5. Transfer of permission: -An application under section 7 shall be made jointly by the transferring management and by the transferee management of the private educational institution through their respective managers to the competent concerned in form-2

#### Chapter -III

6. Account of Privately managed institutions how to be maintained: - Every private educational institution shall maintain and keep the account of all income received as fees, donations, grants from the state Government or from Government of India or from any non-Government organizations, as the case may be in a register on form-3 and of expenditure separately in a register in form-IV in each financial year. They will maintain the salary register of each employee in form-V.

7. The period of notification of closure of private Educational Institution: -The notice under section -12 for the closure of private educational institutions or class (Primary, Middle, High, Sr. Secondary and College) shall be three months before the beginning of the next academic session.

8. Decisions how to be conveyed: - The competent authority shall convey its decision to the manager in writing explaining there in the reasons in detail of its findings.

9. Appeal: - Any manager aggrieved by any decision of the competent authority under any of the provisions of these rules, may within thirty days from the date of receipt of the decision by him prefer an appeal against such decision to the secretary (Education) to the Government of Himachal Pradesh.

#### Form-I (See rule-3)

Application for permission to establish or run a private educational Institution (subject to the fulfillment of term and conditions prescribed in form-I, part-I.

- 1. Name of privately Managed Educational Institution-----  
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- 2. Name of Management of privately Managed  
Institution (along with its member)-----
- 3. Name of the Manager of the privately  
Managed institution with full address -----
- 4. Date of the Registration of the  
Management under the registration of  
Societies Act, 1960 (attach copy of registration and constitution of  
Management -----
- 5. Whether the institution is being run by the minority community

as specified in the constitution of India -----

6. The certificate for which such private educational institution prepares or trained or guides or propose to prepare or train or guide its students or the certificate, which it grants or confers proposes to grantor confer (courses of study to be offered by the management to be specified)

7. Infrastructure Available: -

- (a) number of classrooms with dimension-----
- (b) Number of laboratories with dimension-----
- (c) Library with dimension-----
- (d) Office accommodation including Head of private educational Institutions room with dimension-----
- (e) Number of urinals and Lavatories with dimension (Separate for boys and girls and staff-----

i) Boys	No.	dimensions
ii) Girls	No.	Dimensions
iii) Staff	No.	Dimensions

(f) Playground (number and size)

1.	Dimensions
2.	Dimensions
3.	Dimensions

In such case number, dimension and single line map may be provided with the application .The single line map. ....should Terms and condition for grant of permission for running or establishing a private educational institution

1. The management of private institution shall be registered under registration of societies Act, 1860.
2. The institution proposed to be opened shall be in- accordance with the educational survey approved by the state Govt. or with the prior permission of the competent authority.
3. The private institution shall employ only the trained /eligible staff on the same pattern in which appointment are made in the Government institution in- accordance with the recruitment and promotion Rules of each category and norms laid down by NCTE/NCERT.
4. No private institution shall function with in the premises of exiting Government institution.
5. No particular religious education shall be imparted by the institution to maintain secular character of the institution.
6. Admission in the institution shall be made strictly in ----- accordance with the norms as laid down by the Board of school Education to which the school is affiliated. And no discrimination on the basis of caste, colour, creed and sex shall be made.

7. Permission to run or establish a private educational institution shall be granted only on individual basis and no permitted institution shall be entitled to open its branches elsewhere.

8. There shall be accommodation for the classroom as per norms -----given below: -

- |        |   |   |
|--------|---|---|
| (i)    | Primary classes<br>(1 to 5)                             | At least one room for each section of each class  |
| (ii)   | Middle classes<br>(6 <sup>th</sup> to 8 <sup>th</sup> ) | At least one room for each section of each class  |
| (iii)  | High classes<br>(6 <sup>th</sup> to 10 <sup>th</sup> )  | At least one room for each section of each class  |
| (iv)   | High classes<br>(9 <sup>th</sup> to 10 <sup>th</sup> )  | At least one room for each section of each class  |
| 9. (a) | +1 and +2 classes<br>(Arts)                             | At least one room for each section of each class in every subject   |
| (b)    | + And +2 classes<br>(Arts and Science)                  | At least one room for each section of each class in every subject and at least one separate laboratory for each science subject |

drown and attested by the at least a diploma holder in civil engineering.

(g) Whether sufficient furniture for students is available

Give full details \_\_\_\_\_

8. Whether institution is co. educational or otherwise \_\_\_\_\_.

9. Whether the institution is affiliated or proposed to be affiliated to any board of school education, or university mention the same of board or university \_\_\_\_\_

10. staff (teaching and non teaching)

Give complete information in the following proforma: -

Sr. No.	Name of persons of appointed Posts	Educational professional onward with %of marks and division	Date and name of National daily paper in which advertisements appeared/name of emp exth and its letter No. and date	No. and date of appointment
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1.                      2.                      3.                      4.                      5.                      6.

(a) Detail of pay scales (along with basic pay and allowances of each category of posts being given or to be given.

- 1.
- 2.
- 3.

and so on.

(b) Whether the staff has been provided or proposed to be provided the facility of provident fund: -

(c) Give full details (class wise) of all fees and funds, to be charged/being from students both annually and monthly.

12. Give class wise details of enrolment of students admitted as bellows: -

Sr. No.	Class	Boys	Girls	Total	SC	ST	OBC	Total
1.	2.	3.	4.	5.	6.	7.	8.	9.

13. Other sources of income other then fees and funds received from the students of the institutions, give full details.

14. Name of the Government and private educational institutions surrounding the institution established along with their distance with in the radium of 5Kms

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Signature and Name of the  
Manager on behalf of the  
Management.

+1 and +2 classes  
(Arts/Science/Commerce)

At least one room for each section of  
each class in every subject faculty  
Wise and at least one separate laboratory  
For each science subject.

Provided that all the five classes for primary school, three class for middle school, two classes for high and two classes of +1 and +2 school will be run together.

(d) B.A./B. Sc./Commerce: - At least 100 students in each class.

11. Teaching and non-teaching staff shall be paid salary commensurate to the fees and funds to be charged from the students, donations and other sources of income of institution.

12. Each teacher of a private educational institution shall be given workload in such manner that it does not exceed 24 hour in a week in any case. In case of any teaching staff it shall be 7 hour (42 hours in a week.)

13. Minimum staff to be appointed in the institution shall be as under: -

(i) Primary (1 to 5)	Primary Teacher	Two
	Peon/Chowkidar	<u>One</u> Three
(ii) Middle (6 <sup>th</sup> to 8 <sup>th</sup> )	Graduate Teacher	Two
	B.Ed., 1 Arts and 1 Science	
	Oriental Teacher Arts	One
	Craft Teacher	One
(iii) High (6 <sup>th</sup> to 10 <sup>th</sup> )	Physical Education teacher	One
	Peon/Chowkidar	<u>One</u> Six
	Head Master	One
	Graduate Teacher	Four

		B. Ed, (2 in Arts and one each in Med. And non-Med.	
		Oriental Teacher	One
		Language Teacher	One
		Arts and Craft Teacher	One
		Physical Education Teacher	One
		Clerk	One
		Peon	<u>One</u>
			Eleven
(iv)	High (9 <sup>th</sup> to 10 <sup>th</sup> )	Graduate Teacher	Two
		B. Ed. One Arts and One Science)	
		Language Teacher	One
		Clerk	One
		Lab. Attendant	One
		Peon	<u>One</u>
			Six
(v)	Senior Secondary School (+1 and +2)	Principal	One
		Lecturer Arts	Five
		Lecturer Science (including Maths)	Four
		Lecturer Commerce	One
		Diploma in Physical Education	One
		Assistant Librarian	One
		Lab Attendant	Two
		Asstt./ Clerk	One
		Peon	<u>One</u>
			Seventeen
(vi)	Collage	(i) Principal	One
		(ii) Arts <u>Faculty</u>	
		(i) Lecture English	One
		(ii) Lecture Phy. Edu.	One
		(iii) Lecturers any other Five Subjects	Five
		(iv) Lecturers Maths	One
		(b) <u>Science Faculty</u>	
		(i) Lecturer Physics	Two

(ii) Lecturer Chemistry	Two
(iii) Lecturer Botany	Two
(iv) Lecturer Zoology	Two
(v) Lecturer Maths	One
(c) <u>Commerce Faculty</u>	
(i) Lecturers	Three
III <u>Non Teaching Staff</u>	
Librarian	One
Assistant Librarian	One
Librarian Attendant	One
Junior Lab Attendant	Three
Lab Attendant	Three
Tabla Instructor	One
Supdt. Gr. II	One
Assistant	One
Clerk	Two
Chowkidar	Two
Mali	One
Peons	Two
Sweepers	Two

14. All the posts to be fill shall be advertised at least in two leading national daily newspaper or getting sponsorship of names from the nearest employment exchange giving full detail of the qualification required and scales of pay plus allowances to be given.
15. Every private educational institutions shall bring out prospects giving detail of the management running institution, detail of the staff their qualification, fees and donations to be charged from the students and other relevant information about the institution and shall also contain the permission of the Govt. to establish and run the institution.
16. Proper records of the receipt book to be used for charging fees and fund and other income etc. shall be maintained.
17. All the members of the staff shall be paid their salaries and related arrears through Account Payees bank cheques.
18. Fees and funds shall be such that are not of exploiting nature but contribute to the spread of education. They should be commensurate to the salary of the staff being paid, development of infrastructure and facilities and activities being provided to the student.
19. Each private educational institution shall form parents teacher association; the parents and teachers being its members .It shall have its executive body with 2/3 members from amongst parents and 1/3 members from amongst teachers. It shall be of advisory nature and still strive for the better running of the institution and maintain cordial relation between management, parents and teacher.

Application for transfer of Management of a private institution to another Institution: -

1. Name of the Privately managed institution \_\_\_\_\_

2. Name of the present management along with its certificate of Registration under societies Registration Act, 1860(attach copy of constitution and certificate registration)\_\_\_\_\_
3. Name and address of the transfer Management to which the institution is to be transferred along with list of its members (attach copy of certificate of registration under Societies Registration Act, 1860, \_\_\_\_\_ along with  
Constitution \_\_\_\_\_ of \_\_\_\_\_ the management \_\_\_\_\_
4. Name and address of the manager of the transferee management \_\_\_\_\_
5. Whether the transfer has been effected or proposed to be effected \_\_\_\_\_
6. Whether the same of the institution is to be retained as such or proposed to be changed by the transferee management. If it is to be changed, then give its new name \_\_\_\_\_
7. Reason for transfer \_\_\_\_\_
8. Whether undertaking specifying the transfer of permission to run the institution and all assets and liabilities have been enclosed by the present and transfer management in prescribed manner as given in the end of this form \_\_\_\_\_
9. Give details of assets and liabilities of the present management (including land and Jamabandi and tatima, details of building with line map drawings, play ground, gardens, consumable and non- consumable articles, all other assets created by the present management for running the institution, taking over the service of the staff \_\_\_\_\_ teaching and non-teaching, transfer of fees, fund, donation etc, and liabilities \_\_\_\_\_
10. Whether transfer deed is to be effected or has been effected, If already effected then attach a copy deed \_\_\_\_\_
11. Whether the prescribed fee of Rs.250/- in these form of bank draft in the name of competent authority has been attached or not. Give the name of the bank and number of bank draft with date of issue \_\_\_\_\_

\_\_\_\_\_  
Name and signature of the  
Manager of the  
Transferee management

\_\_\_\_\_  
Name and signature of  
the management of the  
present management

(Part-II)

Undertaking of the present management for transfer of permission and assets and liabilities to run the private educational institution.

I \_\_\_\_\_ Manager of the present management \_\_\_\_\_ (give full address) duly authorized to transfer permission to run the institution and also transfer of all assets (including those created out of school and other public fund) and liabilities of the said institution to the transferee management \_\_\_\_\_

(give full address of the transferee management)

Name and signature of the  
Manager of the Present  
Management

I further undertake that if any complication (including legal) arises at a later stage, it will be settled by the transferee management.

Place \_\_\_\_\_

Date \_\_\_\_\_

Name and signature of the  
Manager of the Present  
Management

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Part-III

Undertaking of the transferee management for transfer of permission and assets and liabilities to run the private educational institution.

I \_\_\_\_\_ the manager of the transferee management \_\_\_\_\_ (give full address) duly authorized by the management (attach the copy of letter of authorization) undertake to run the new name \_\_\_\_\_ (full address) according to the provision of H.P. Private Educational institution (regulating) Act 1977, and Rules thereunder.

I further undertake to accept all assets and liabilities of the present management pertaining to the above institution and if any complication (including legal) arises later on shall be settled by the transfer management.

Place \_\_\_\_\_  
Date \_\_\_\_\_

Name and signature of the  
Manager of transferee  
Management.

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Fees and Fund/collection Register  
Form-III  
See Rules-6

Name of the Institution \_\_\_\_\_ Distt. \_\_\_\_\_  
Income

Sr. No. Particular

1. (i) Fees
    - a) Tution fee \_\_\_\_\_
    - b) Admission fee \_\_\_\_\_
    - c) Re-Admission fee \_\_\_\_\_
    - d) Fine \_\_\_\_\_
  
  2. Fund
    - a) Annual  
\_\_\_\_\_  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_
    - b) Monthly  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. and as so
  3. Other
    1. donation \_\_\_\_\_
    2. subscriptions \_\_\_\_\_
    3. endowment \_\_\_\_\_
    4. Grant-in-Aid from \_\_\_\_\_  
the Govt.
    5. Aid from  
Other agencies \_\_\_\_\_
- \_\_\_\_\_ Total

Total

Signature of class Incharge

Signature of the Head of the  
Institution

0/14  
See Rules-6

Expenditure Register

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Sr. No.

1.

Particular  
Salary Teaching  
Staff

Amount

2.

Salary  
Non Teaching  
Staff

\_\_\_\_\_

3.

and as on.

\_\_\_\_\_

Signature of the Head of  
Institution