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PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

EDUCATION DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 25th April, 2017.

GUJARAT SELF FINANCED SCHOOLS (REGULATION OF FEES) ACT, 2017.

No.GH/SH/16/BMS/1117/83/CHH:- In exercise of the powers conferred by section 20 of the Gujarat Self financed Schools (Regulation of Fees) Act, 2017 (Guj. 20 of 2017), the Government of Gujarat hereby makes the following rules, namely:-

1. **Short title and commencement.**- (1) These rules may be called the Gujarat Self financed Schools (Regulation of Fees) Rules, 2017.
 - (2) They shall come into force on the date of their publication in the *Official Gazette*.
2. **Definitions.**- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Gujarat Self financed Schools (Regulation of Fees) Act, 2017 (Guj. 20 of 2017);
 - (b) "commencement" means the date on which these rules come into force;
 - (c) "Fee Regulatory Committee" means the Fee Regulatory Committees constituted under sections 3 of the Act;
 - (d) "Fee Revision Committee" means the Fee Revision Committee constituted under section 12 of the Act;
 - (e) "Form" means the form appended to these rules.
- (2) The words and expressions used in these rules but not defined hereinabove shall have the same meaning as respectively assigned to them in the Act.

3. **Appointment of Chairperson and other Members of the Fee Regulatory Committees and Fee Revision Committee.**- (1) The State Government shall appoint the Chairperson and Members of the Fee Regulatory Committees and Fee Revision Committee in accordance with the provisions of section 3 and section 12 of the Act immediately after the commencement of these rules.

(2) A person who has been nominated as a Chairperson or a Member of such Committee shall disclose his interests, if any, with affairs of any self financed school before assuming the office. Such interest, if in conflict with the functioning of such Committee shall lead to cancellation of his nomination.

(3) (i) A person who has been nominated as a Chairperson or a Member of such Committee shall maintain utmost confidentiality and secrecy about the deliberations and discussions having taken place in the meetings and decisions taken by the Committee. Disclosure of any such matters or decisions in any manner whatsoever shall make him liable to be removed from such Committee.

(ii) The Chairperson or a Member so removed shall not be eligible for reappointment.

(4) No person who is associated in any manner with the affairs of the Management of any self financed school shall be eligible for being a Member of aforesaid Committee(s) except the Member who is nominated by the State Government under clause (d) of sub-section (4) of section 3 and clause (v) of sub-section (2) of section 12 of the Act, respectively.

4. Terms and Conditions of Appointment of Chairperson and Members of Fee Regulatory Committee and Fee Revision Committee.- (1) The honorarium and other allowances payable and facilities to be provided to the Chairperson and Members other than the *ex-officio* members of the Fee Regulatory Committees and Fee Revision Committee shall be such as may be fixed and specified by the State Government by a general or special order issued in that behalf from time to time.

(2) The term of the Chairperson and Members shall be three years from the date of their assuming the office. In case of vacancy by any reason whatsoever, the same shall be filled in accordance with the provisions of the Act. The term of such member shall be for remainder period of the term of the Chairperson or a Member, as the case may be, in whose place he has been appointed.

(3) The Chairperson, or the Member, as the case may be, shall be eligible for appointment for the period not exceeding two terms.

(4) The Chairperson or Members may resign from the office by giving one month's notice to the State Government and the resignation shall be effective on the date of acceptance of the same by the State Government. The vacancy arisen on account of the resignation shall be filled in as early as possible from the date of occurrence of the vacancy.

5. Meetings of Fee Regulatory Committee.-

(1) The Chairperson shall preside over the meetings of the Fee Regulatory Committee. The Committee may adopt its own procedure for transaction of business as it deems fit.

(2) The date, time and venue of the meeting of the Committee shall be decided by the Chairperson and the same shall be communicated to the members of the Committee by the Co-ordinator of the Committee.

(3) The notice in FORM I, along with the agenda items of the meeting shall be given to the each member of the Committee at least 7 clear days in advance by registered post acknowledgement or any other mode including electronic mode as may be decided by the Committee. The acknowledgement shall be preserved for one year.

(4) Emergency meeting may be called for by the Chairperson of the Fee Regulatory Committee with a short notice of 24 hours.

(5) The quorum at the meeting of the Committee shall be atleast two- third Members of the total strength of the Committee. If there is no quorum at the meeting, the same shall be adjourned for half an hour. Thereafter the meeting shall be held for the transaction of its business.

(6) The District Education Officer, or the District Primary Education officer of the Zonal headquarters, as the case may be, shall be the Co-ordinator of the Committee who shall act as per the directions of the Chairperson and shall prepare proceedings of the meeting and circulate the same to all the Members within seven days from the date of meeting.

(7) All official correspondence relating to administrative nature shall be issued under the signature of the Co-ordinator.

6. Procedure for Submission of Proposal by Self Financed School for Determining of Fee or Fee Structure.- (1) The Self financed school shall prepare and submit to the Fee Regulatory Committee, a proposal in FORM II, for fixation of fee or fee structure, containing the particulars specified in it, for its consideration and approval not later than the 31st October of the year of the proposal. The proposal shall also contain the following matters, namely:-

- (i) proposal shall be for fixation of fee or fee structure for next three years;
 - (ii) audited accounts of the preceding two financial years;
 - (iii) provisional accounts from 1st April to 31st August of the year in which proposal is made alongwith a certificate of Chartered Accountant containing the income and expenditure specifying under the different heads;
 - (iv) proposed budget estimates in respect of the year of proposal with the relevant record and evidence; and
 - (v) expenditure incurred towards the educational related services rendered to the students by the affiliated / holding or subsidiary companies having same or related trustees and directors, directly or indirectly.
- (2) In the event of non-submission of proposal within prescribed time limit or submission of incomplete details for fixation of fee, the Fee Regulatory Committee shall *suo moto* determine the fee structure which shall be binding on such school. The fees structure as determined by the Fee Regulatory Committee *suo moto* shall be applicable for the next three academic years.
- (3) The self financed school shall pay such amount towards the process fee, as may be determined by the State Government, alongwith the proposal.
- (4) The self financed school shall be bound to supply any further information or statements which may be required by the Fee Regulatory Committee within the time limit specified by the Committee.

7. Procedure to be Adopted by Fee Regulatory Committee for determining Fee or Fee Structure.- The Fee Regulatory Committee shall adopt following procedure for determining fee or fee structure or fee commensurate with the facilities provided by the self financed school, namely:-

(1) (a) On receiving the proposal from the self financed school in FORM II, the Fee Regulatory Committee shall scrutinise the proposal in accordance with the provisions of the Act and the rules made thereunder.

(b) The Committee may call for any further information or statements as are necessary for scrutiny of the proposed fee or fee structure from the self financed school within the specified time limit and may offer hearing to the concerned school.

(c) The Committee may authorise any Member or any officer for spot verification of documents and school buildings, etc.

(2) The Committee shall not ordinarily grant more than three adjournments during the course of proceedings.

(3) After considering all the relevant factors as provided in the Act and the rules, the Fee Regulatory Committee shall take a decision on such proposal within a period of ninety days from the date of receipt of the proposal.

(4) The Fee Regulatory Committee shall determine the total fees under a single head which may be levied or collected. The order in FORM III, determining the total fees shall be operative for a period of three years.

