

# THE TAMIL NADU PRIVATE COLLEGES (REGULATION) ACT, 1976

## *Arrangement of Sections*

### CHAPTER I

#### Preliminary

#### *Sections*

1. Short title, extent, application and commencement.
2. Definitions.

### CHAPTER II

#### **Establishment, Permission For Establishment and Management of Private Colleges**

3. New private college to obtain permission.
4. Application for permission and sending of statement.
5. Grant of permission
6. Permission deemed to be granted in certain cases.
7. Approval of transfer of permission.
8. Minority college to be established without permission.
9. Minority college to send statement.
10. Payment of grant.
- 10A. Recovery of excess grant.

### CHAPTER III

#### **College Committee and its Constitution and Functions**

11. Constitution of College Committee.
12. Secretary of the College Committee.
13. Meetings of the College Committee.
14. Functions of the College Committee and responsibility of educational agency under the Act.

### CHAPTER III-A

#### **Appointment of Special Officer in certain cases**

- 14-A. Appointment of Special Officer in certain cases.
- 14-B. Appeal to Special Tribunal.

## CHAPTER IV

**Terms and conditions of Service of Teachers and other persons employed in Private Colleges**

15. Qualifications of teachers and other persons employed in private colleges.
16. Appointment of teachers and other persons in private colleges.
17. Conditions of service, etc., of teachers and other persons employed in private colleges.
18. Teachers and other persons employed in private colleges to be governed by Code of Conduct.
19. Dismissal, removal or reduction in rank or suspension of teachers or other persons employed in private colleges.
20. Appeal against orders of punishment imposed on teachers and other persons employed in private colleges.
21. Second appeal in case of dismissal, removal or reduction in rank or termination of appointment of teachers or other persons employed in private colleges.
22. Special provision regarding appeal in certain past disciplinary cases.
23. Pay and allowances of teachers and other persons employed in private colleges to be paid in the proscribed manner.
24. Chapter to have overriding effect and certain provisions thereof not to apply to minority colleges.

## CHAPTER V

**Control of Private Colleges**

25. Closure of private college.
26. Educational agency to send list of properties.
27. Restriction on alienation of property of private college.
28. Fees and other charges.
29. Utilisation of funds and property of private college.
30. Taking over management of private college.
- 30A. Continuance of taking over of management in certain cases.
31. Relinquishment of control of property.
32. Minority college not to be taken over.

## CHAPTER VI

**Accounts, Audit, Inspection and Returns**

33. *Accounts.*
34. Annual audit of accounts.
35. Inspection or inquiry.
36. Furnishing of returns etc.,

## CHAPTER VII

**General Provisions Regarding Appeal and Revision**

37. Appeal against orders of competent authority.
38. Tribunal.
39. Time for appeal and powers of appellate authority.
40. Deposit with the Tribunal of pay and allowances of teachers and other persons employed in private colleges in certain cases.
41. Revisions.

## CHAPTER VIII

**Penalties and Procedure**

42. Penalty for not giving information or giving false information.
43. Other penalties.
44. Offences by companies.
45. Cognizances of offences.
46. Jurisdiction of criminal court.

## CHAPTER IX

**Miscellaneous**

47. Delegation of powers of Government.
48. Competent authority, etc., to be public servant.
49. Civil court not to decide question under this Act.
50. Finality of orders, etc., passed under this Act.
51. Indemnity.
52. Over-riding effect of this Act.
53. Power to make rules.
54. Publication of rules, commencement of rules and notifications and placing them on the table of the Legislature.
55. Act to be prospective in its application to certain persons.
56. Repeal and saving.

# THE TAMIL NADU PRIVATE COLLEGES (REGULATION) ACT, 1976 (President's Act XIX of 1976)

*[Received the assent of the President on the 16th April 1976 and first published in the Tamil Nadu Government Gazette Extraordinary, dated 17th April, 1976].*

## REASONS FOR THE ENACTMENT

The Government of Tamil Nadu decided to regulate the conditions of service of teachers employed in private colleges and to make the rules relating to managing bodies and payment of grants to such colleges statutory. As the Legislature of the State of Tamil Nadu was not in session, the Tamil Nadu Private Colleges (Regulation) Ordinance, 1975 was promulgated on the 21st November, 1975.

2. The President issued a Proclamation on the 31st January, 1976 under Article 356 of the Constitution, in relation to the State of Tamil Nadu, declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Hence, by virtue of the powers delegated to the Governor of Tamil Nadu by the President, the Tamil Nadu Private Colleges (Regulation) Ordinance, 1976 (Tamil Nadu Ordinance XI of 1976) was promulgated with some modifications to make certain provisions of the Ordinance inapplicable to minority colleges.

3. It is proposed to replace this Ordinance by a President's Act with additional provisions to the effect that no private college shall be established without affiliation to a University, that the non-teaching staff of private colleges would also come within the scope of the measure and that a University may make regulations, statutes and ordinances specifying the qualifications for appointment of teachers and other persons employed in private colleges.

4. The proposed measure seeks to give effect to the above proposal.

5. Parliament has under Article 357 (1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (XLI of 1976).

6. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee or Tamil Nadu Legislation constituted under the above Act. The measure is accordingly being enacted without reference to the Consultative Committee.

**EXPLANATORY STATEMENT OF ORDINANCE**

It has been decided to regulate the conditions of service of teachers in the private colleges and it has also been decided that the rules relating to managing bodies and payment of grants to private colleges should be statutory.

2. Colleges maintained by the Central Government or any State Government or any local authority or any University and college which is giving, providing or imparting religious instructions alone are excluded from the scope of the Ordinance. Provision has also been made for the establishment and management of private colleges only with the permission of the competent authority and in accordance with the terms and conditions specified in such permission. Special provision has also been made in respect of minority colleges so as to be in conformity with clause (1) of Article 30 of the Constitution.

Provision has been made for the functions of and meetings of the College Committee of the Private College.

Provision has also been made for taking over by the Government of the management of private college in the event of mis-management. The period for which such college may be taken over has been restricted to five years in the aggregate.

3. Provision has also been made for the audit of accounts of every private college receiving grants, by such authority, officer or person as may be prescribed. Necessary provision has also been made for the inspection of private college and issue of directions to carry out the results of such inspection by the educational agency maintaining such private college.

4. The Ordinance seeks to achieve the above objects.

Enacted by the President in the Twenty-seventh year of the Republic of India.

*An Act to provide for the regulation of  
Private Colleges in the State of Tamil Nadu.*

*In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, (41 of 1976) the President is pleased to enact as follows:*

## CHAPTER I

## PRELIMINARY

**1. Short title, extent, application and commencement.—**

(1) This Act may be called the Tamil Nadu Private Colleges (Regulation) Act, 1976.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It applies to all private colleges.

(4) Save as otherwise provided in section 55, the provisions of this Act shall be deemed to have come into force on the 21st day of November, 1975.

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

(1) "*academic year*" means the year commencing on the first day of June;

(2) "*college committee*", in relation to a private college, means the college committee referred to in section 11.

(3) "*competent authority*", in relation to any provision of this Act means:—

(i) any university,

(ii) authority, officer or person,

empowered by the Government, by notification, to be the competent authority for the purposes of that provision and different competent authorities may be appointed for different provisions or for different areas or in relation to different classes of private colleges as may be specified in the notification;

(4) "*educational agency*", in relation to—

(a) any minority college, means any person who, or body of persons which, has established and is administering or proposes to establish and administer such minority college; and

(b) any other private college, means any person or body of persons permitted or deemed to be permitted under this Act to establish and maintain such other private college;

(5) "*Government*" means the State Government;

(6) "*grant*" means any sum of money paid as aid out of State Funds to any private college;

(7) "*minority college*" means a private college of its choice established and administered, or administered by any such minority whether based on religion or language as has the right to do so under clause (1) of Article 30 of the Constitution;

(8) "*private college*" means a college maintained by an educational agency and approved by, or affiliated to, a university but does not include a college.—

(a) established or administered or maintained by the Central Government or the Government or any local authority or any university; or

(b) giving, providing or imparting religious instruction alone, but not any other instructions;

(9) "*secretary*", in relation to a private college, means the secretary referred to in section 12;

<sup>1</sup>[(9-A) "*special officer*" means the special officer appointed under sub-section (1) of section 14-A]

(10) "*teachers*" means such Professors, Assistant Professors, Readers, Lecturers, Demonstrators, Tutors, Librarians and other like persons as may be declared to be teachers by the statutes framed under any law for the time being in force governing a University;

(11) "*Tribunal*" means a Tribunal constituted under section 38 and having jurisdiction;

(12) "*University*" means the Madras University, the Madurai University or, as the case may be, any other University that may be established in the State of Tamil Nadu under any law.

## CHAPTER II

### ESTABLISHMENT, PERMISSION FOR ESTABLISHMENT AND MANAGEMENT OF PRIVATE COLLEGES

**3. New private college to obtain permission.**— Save as otherwise expressly provided in this Act, no person shall, without the permission of the Government and except in accordance with the terms and conditions specified in such permission, establish, on or after the date of commencement of this Act, any private college :

1. Clause (9-A) was inserted by T.N. Act 16 of 1998, w.e.f. 1.11.98.

Provided that it shall also be necessary to obtain affiliation of such college to a University.

**4. Application for permission and sending of statement.—** (1) The educational agency of every private college proposed to be established on or after the date of commencement of this Act shall make an application to the Government for permission to establish such college.

(2) Every such application shall—

- (a) be in the prescribed form;
- (b) be accompanied by such fee not exceeding <sup>1</sup>[twenty thousand rupees] as may be prescribed; and
- (c) contain the following particulars, namely:—
  - (i) the name of the private college and the name and address of the educational agency;
  - (ii) the need for the private college in the locality;
  - (iii) the course for which such private college proposes to prepare, train or guide its students for appearing at any examination conducted by, or under the authority of a university;
  - (iv) the amenities available to students and teachers;
  - (v) the equipment, laboratory, library and other facilities for instruction;
  - (vi) the sources of income to ensure the financial stability of the private college;
  - (vii) the situation and the description of the buildings in which such private college is proposed to be established ; and
  - (viii) such other particulars as may be prescribed.

(3) The educational agency of every private college in existence on the date of commencement of this Act, shall, within such period as may be prescribed, send to the <sup>2</sup>[Director of Collegiate Education] statement in the prescribed form containing.

1. The words "twenty thousand rupees" were substituted for the words "five hundred rupees" by the T.N. Act 16 of 1998.

2. Substituted by G.O. Ms. No. 1286, Edn., dt. 22-6-1976.



- (i) the particulars specified in clause (c) [excluding sub-clause (ii) thereof of sub-section (2)];
- (ii) the names of the members of the teaching and non-teaching staff and the educational qualifications of each such member; and
- (iii) the number of students and classes in the private college.

**5. Grant of permission.**— (1) On receipt of an application under sub-section (1) of section 4, the Government,—

(a) may, after considering the particulars contained in such application, grant or refuse to grant the permission; and

(b) shall communicate their decision to the applicant within such period as may be prescribed :

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

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

(2) The decision of the Government under clause (a) of sub-section (1) shall be final.

(3) No university shall grant affiliation to any private college unless permission has been granted by the Government under sub-section (1).

**6. Permission deemed to be granted in certain cases.**— On receipt of a statement under sub-section (3) of section 4 from any private college in existence immediately before the date of commencement of this Act permission under sub-section (1) of section 5 shall be deemed to have been granted to such private college but no fee shall be payable for any such permission.

**7. Approval of transfer of permission.**— (1)(a) Whenever there is any change in the constitution of the educational agency in relation to a private college, not being a minority college, that agency shall apply to the competent authority for approval of such change.

(b) Whenever the management of any private college is proposed to be transferred, the educational agency

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.

- (c) On any transfer of the management of private college, without approval having been obtained for such transfer under clause (b), the transferee shall, if he desires to run it as such, apply to the competent authority within such period as may be prescribed for approval of the transfer.
- (d) An application under clause (a), clause (b) or clause (c) shall be in such form and contain such particulars as may be prescribed.

(2) On receipt of an application under sub-section (1) the competent authority shall,—

- (a) if it is satisfied after making such inquiry as it deems fit, that the educational agency will continue to maintain and manage or, as the case may be, that the transferee will maintain and manage the private college in accordance with the provisions of this Act, and the rules made thereunder, approve the change or, as the case may be, the transfer, subject to such conditions as it may impose; and
- (b) communicate its decision to the applicant within such period as may be prescribed.

**8. Minority college to be established without permission.**— Any minority, whether based on religion or language, may establish and administer any private college without permission under sub-section (1) of section 5 read with sections 3 and 4.

**9. Minority college to send statement.**— (1) Every minority college in existence immediately before the date of commencement of this Act, shall send to the competent authority a statement containing the particulars specified in clause (c) [excluding sub-clause (ii) hereof] of sub-section (2) of section 4 within such period as may be prescribed.

(2) Every minority college established and administered after the date of commencement of this Act shall send to the competent authority a statement containing particulars specified

in clause (c) of sub-section (2) of section 4 within such period as may be prescribed.

**10. Payment of grant.—** (1) Subject to such rules as may be prescribed, the Government may pay to the private college grant at such rate and for such purposes as may be prescribed.

(2) The Government may withhold permanently or for any specified period the whole or part of any grant referred to in sub-section (1) in respect of any private college—

- (i) which does not comply with any of the provisions of this Act or any rules made or directions issued thereunder in so far as such provisions, rules or directions are applicable to such private college, or
- (ii) in respect of which the pay and allowances payable to any teacher or other person employed in such private college are not paid to such teacher or other person in accordance with the provisions of this Act or the rules made thereunder, or
- (iii) which contravenes or fails to comply with any such conditions as may be prescribed.

(3) Before withholding the grant under sub-section (2), the Government shall give the educational agency an opportunity of making its representations.

**[10-A Recovery of excess grant.—** If the competent authority is satisfied that the grant referred to in sub-section(1) of section 10 has been paid on misrepresentation or otherwise to any private college or has been utilised by the private college in contravention of the provisions of the Act or any rules made or directions or orders issued thereunder, the grant so paid or utilised shall be treated as excess grant and such excess grant shall, without prejudice to any other mode of recovery, be recovered as arrears of land revenue.]

### CHAPTER III

#### COLLEGE COMMITTEE AND ITS CONSTITUTION AND FUNCTIONS

**[11. Constitution of College Committee.—** Every private college, not being a minority college shall have a college committee which shall include the following persons employed in the private college, namely,—

1. Section 10-A was inserted by T.N. Act 16 of 1998. w.e.f. 1.11.1998.
2. Section 11 was substituted by *ibid*.

- (a) the Principal;
- (b) the senior-most Selection Grade Lecturer or Reader;
- (c) one other Selection Grade Lecturer; and
- (d) the senior-most Superintendent :

Provided that if there is no Selection Grade Lecturer in the private college, the senior-most Lecturer and one other Lecturer shall be included in the college committee :

Provided further that if the senior-most Selection Grade Lecturer or the senior-most Lecturer, as the case may be, or the senior-most Superintendent is not willing to be included in the advisory college committee as a member, the next senior person in the respective category who is willing to be included as a member shall be included in the college committee :

Provided also that if there is only one post in the category of Superintendent and the person holding the post is not willing to be included in the college committee as a member, the senior-most Assistant shall be included as a member in the college committee).

**12. Secretary of the College Committee.**— (1) Every college committee shall have a secretary who shall exercise such powers and perform such functions as may be prescribed.

(2) Every person holding office as president, secretary, manager or correspondent of a private college or exercising the powers of secretary under this Act on the date of its commencement shall be deemed to be a secretary under this Act.

**13. Meetings of the College Committee.**— (1) The college committee shall meet at such times and places and shall subject to the provisions of sub-sections (2) and (3) observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed :

Provided that the college committee shall meet at least once in every three months.

(2) The president of the college committee or, in his absence, any member chosen by the members present, shall preside at a meeting of the college committee.

(3) All questions at any meeting of the college committee shall be decided by a majority of the votes of the members present

and voting and in the case of an equality of votes, the president or, in his absence the member presiding shall have and exercise a second or casting vote.

**14. Functions of the College Committee and responsibility of educational agency under this Act.—**

(1) Subject to the provisions of this Act and the rules made thereunder, the college committee shall have the following functions, namely,—

- (a) to carry on the general administration of the private college excluding the properties and funds of the private college;
- (b) to appoint teachers and other persons of the private college, fix their pay and allowances and define their duties and the conditions of their service; and
- (c) to take disciplinary action against teachers and other persons of the private college.

(2) The educational agency shall be bound by anything done by the college committee in the discharge of the functions of that committee under this Act.

(3) For the purposes of this Act, any decision or action taken by the college committee in respect of any matter over which the college committee has jurisdiction shall be deemed to be the decision or action taken by the educational agency.

**CHAPTER III-A**

**APPOINTMENT OF SPECIAL OFFICER  
IN CERTAIN CASES**

**14-A. Appointment of Special Officer in certain cases.—**

(1) (a) Where the Government, on receipt of a report from the Director of Collegiate Education or otherwise, are satisfied that the management of any private college,—

- (i) is responsible, whether on or after the date of commencement of the Tamil Nadu Recognised Private Schools (Regulation) and Private Colleges (Regulation) Amendment Act, 1982, for the mal-administration, lapses or irregularities of such private college; or

- (ii) has neglected whether on or after the date of commencement of the Tamil Nadu Recognised Private Schools (Regulation) and Private Colleges (Regulation) Amendment Act, 1982 to discharge any of the duties imposed on, or to perform any of the functions entrusted to such management by or under this Act, or any rule or order made or direction issued thereunder, the Government may, after giving to such management an opportunity to make representation and for reasons to be recorded in writing, by an order, suspend the management and appoint a special officer for a period not exceeding one year or till the reconstitution of the management (in accordance with the law applicable to the reconstitution of such management), whichever is later :

Provided that in no case the maximum period of such suspension of management shall exceed two years irrespective of the reconstitution of the management in accordance with the law applicable to the reconstitution of such management :

Provided further that where, the management of any minority college is suspended, the Government shall appoint a special officer belonging to that minority which has been administering the said minority college immediately preceding such suspension.

- (b) On the making of an order under clause(a) suspending the management of a private college,—
- (i) the management shall cease to discharge the duties imposed on, and to perform the functions entrusted to it ; and
- (ii) the special officer—
- (A) shall take all such steps as may be necessary to efficiently manage and run the private college in accordance with any law applicable to the private college in so far as such law is not-inconsistent with this Act; and

- (B) may afford such special educational facilities as were immediately before the making of the order under clause (a), afforded at the private college.

*Explanation.*— In item (A) of sub-clause (ii) of clause (b), the expression “law” includes any bye-law, rule, regulation, custom, usage or instrument having the force of law.

- (c) Where the Government are satisfied that the manager alone is, whether on or after the date of commencement of the Tamil Nadu Recognized Private Schools (Regulation) and Private Colleges (Regulation) Amendment Act, 1982, responsible for the lapses or irregularities of the private college, action shall be taken against him by the management as recommended by the Government.

<sup>1</sup>[(1-A) The Government may appoint an advisory committee to advise the special officer for the administration of such private college. The advisory committee shall consist of the following persons employed in the private college, namely,—

- (a) the Principal;
- (b) the senior-most Selection Grade Lecturer or Reader;
- (c) one other Selection Grade Lecturer; and
- (d) the senior-most Superintendent :

Provided that if there is no Selection Grade Lecturer in the private college, the senior-most Lecturer and one other Lecturer shall be included in the advisory committee :

Provided further that if the senior-most Selection Grade Lecturer or the senior-most Lecturer, as the case may be or the senior-most Superintendent is not willing to be included in the advisory committee as a member, the next senior person in the respective category who is willing to be included as a member shall be included in the advisory committee.

Provided also that if there is only one post in the category of Superintendent and the person holding the post is not willing to be included in the advisory committee as a member, the senior-most Assistant shall be included as a member in the advisory committee].

1. Section 1-A was inserted by T.N. Act 16 of 1998, w.e.f. 1-11-1998.

(2) The Government may, for reasons to be recorded in writing by an order declare a person to be unfit to be the manager of a private college after giving to such person an opportunity of making his representation against such declaration and under intimation to the management and on such declaration the person aforesaid shall cease to be the manager of the private college and the management of such private college shall nominate another person as a manager in his place.

(3) For the removal of doubts, it is hereby declared that any wilful failure or wilful negligence on the part of a management to take action against the manager as required under clause (c) of sub-section (1) or to nominate another person as manager under sub-section (2) shall constitute an act of mal-administration and action shall be taken against the management of private college under this Act accordingly.

**Explanation.**— for the purposes of this Chapter—

- (a) “management” includes the college committee or any person, body of persons, committee or any other governing body, by whatever name called, in whom the power to manage or administer the affairs of a private college is vested :

Provided that the Board of Trustees, or governing body of Wakf Board, by whatever name called, constituted or appointed under any other law for the time being in force relating to the charitable and religious institutions and endowments and wakfs, shall be deemed to be a management for the purposes of this Chapter;

- (b) “manager” means the secretary, or any person holding office as president, manager or correspondent of a private college, who is managing or administering the affairs of such private college;
- (c) “private college” includes a minority college.

(4) Sub-sections (1) and (2) shall apply to a minority college, in so far as they are not repugnant to clause (1) of Article 30 of the Constitution.

**14-B. Appeal to Special Tribunal.**— (1) Any person aggrieved by an order passed by the Government under section



14-A may, within one month from the date of receipt of such order, prefer an appeal to the Special Tribunal consisting of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf :

Provided that the Special Tribunal may in its discretion allow further time not exceeding one month for the filing of such appeal.

(2) The members of the Special Tribunal shall hear the appeal on all points whether of law or of fact. Where on any such point or points the members are divided in their opinion they shall state the point or points on which they are so divided and such point or points together with their opinion thereon shall then be laid before one or more Judges nominated for the purpose by the Chief Justice and such Judge or Judges shall hear the appeal in so far as it relates to such point or points, and on each such point, the decision of the majority of the Judges who have heard the appeal including those who first heard it shall be deemed to be the decision of the Special Tribunal.

(3) The Special Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when hearing an appeal.

(4) Every order made by the Special Tribunal under this Act shall be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

(5) The decision of the Special Tribunal shall be final.]

#### CHAPTER IV

### TERMS AND CONDITIONS OF SERVICE OF TEACHERS AND OTHER PERSONS EMPLOYED IN PRIVATE COLLEGES

**15. Qualifications of teachers and other persons employed in private colleges.**— (1) The University may make regulations, statutes or ordinances specifying the qualifications required for the appointment of teachers <sup>1</sup>[\*\*\*] employed in any private college.

1. The words "and other persons" were omitted by T.N. Act 16 of 1999.

<sup>1</sup>[(2) The Government may make rules specifying the qualifications required for appointment to any post, other than teachers, in any private college.]

**16. Appointment of teachers and other persons in Private Colleges.—** (1) No person who does not possess the qualifications specified under section 15 shall, on or after the date of commencement of this Act, be appointed as teacher or other employee in any Private College.

(2) Nothing contained in this section or any regulation, statute or ordinance made under section 15 shall apply to any person who, on or before the date of commencement of this Act, is employed as teacher or other employee in any private college.

**17. Conditions of service, etc., of teachers and other persons employed in private colleges.—** The Government may make rules in consultation with the University regulating the number and conditions of service (including promotion, pay, allowances, leave, pension, provident fund, insurance and age of retirement and rights as respects disciplinary matters but excluding qualifications) of the teachers and other persons employed in any private college.

**18. Teachers and other persons employed in private colleges to be governed by Code of Conduct.—**(1) Every teacher and every other person employed in any private college shall be governed by such Code of Conduct as may be prescribed and if any teacher or other person so employed violates any provision of such Code of Conduct, he shall be liable to such disciplinary action as may be prescribed.

(2) The college committee may define the standards of conduct to be observed by teachers and other persons employed in the private college, such standards not being inconsistent with the provisions of this Act and the rules made thereunder.

**19. Dismissal, removal or reduction in rank or suspension of teachers or other persons employed in private colleges.—** (1) Subject to any rule that may be made in this behalf, no teacher or other person employed in any private college shall be dismissed, removed or reduced in rank nor shall his appointment be otherwise terminated except with the prior approval of the competent authority.

---

1. Sub-section (2) was added by T.N. Act 18 of 1998.

(2) Where the proposal to dismiss, remove or reduce in rank or otherwise terminate the appointment of any teacher or other person employed in any private college is communicated to the *competent authority*, that authority shall, if it is satisfied that there are adequate and reasonable grounds for such proposal, approve such dismissal, removal, reduction in rank or termination of appointment.

(3)(a) No teacher or other person employed in any private college shall be placed under suspension, except when an inquiry into the gross misconduct, within the meaning of the Code of Conduct prescribed under sub-section (1) of section 18, of such teacher or other person is contemplated.

(b) No such suspension shall remain in force for more than a period of two months from the date of suspension and if such inquiry is not completed within that period such teacher or other person shall, without prejudice to the inquiry be deemed to have been restored as teacher or other employee :

Provided that the competent authority may, for reasons to be recorded in writing, extend the said period of two months, for a further period not exceeding two months, if, in the opinion of such competent authority, the inquiry could not be completed within the said period of two months for reasons directly attributable to such teacher or other persons.

**20. Appeal against orders of punishment imposed on teachers and other persons employed in private colleges.—** Any teacher or other person employed in any private college.—

(a) who is dismissed, removed or reduced in rank or whose appointment is otherwise terminated; or

(b) whose pay or allowances or any of whose conditions of service are altered or interpreted to his disadvantage, by any order, may prefer an appeal against such order to such authority or officer as may be prescribed, and different authorities or officers may be prescribed for different classes of private colleges.

**Explanation.—** In this section the expression "order" includes any order made on or after the date of commencement of this act in any disciplinary proceeding which was pending on that date.

**21. Second appeal in case of dismissal, removal or reduction in rank or termination of appointment of teachers or other persons employed in private colleges.—** If the appeal

under section 20 was against the dismissal, removal or reduction in rank or the termination otherwise of the appointment of any teacher or other person employed in any private college, such teacher or other person or the educational agency aggrieved by any order made in any such appeal, may prefer an appeal against the appellate order to the tribunal.

**22. Special provision regarding appeal in certain past disciplinary cases.**— (1) If, before the date of commencement of this Act any teacher or other person employed in any private college has been dismissed or removed or reduced in rank or his appointment has been otherwise terminated and any appeal preferred before that date,—

- (a) by him against such dismissal or removal or reduction in rank or termination; or
- (b) by him or the educational agency against any order made before that date in the appeal referred to in clause (a) is pending on that date, such appeal shall,—
  - (i) in a case falling under clause (a), stand transferred to the appellate authority prescribed under section 20; or
  - (ii) in a case falling clause (b), stand transferred to the Tribunal.

(2) If any such appeal as is referred to in sub-section (1) has been disposed of before the date of commencement of this Act, the order made in any such appeal shall be deemed to be an order made under this Act and shall have effect accordingly.

**23. Pay and allowances of teachers and other persons employed in private college to be paid in the prescribed manner.**— The pay and allowances of any teacher or other person employed in any private college shall be paid on or before such day of every month, at such rate and in such manner and by or through such authority, officer or person, as may be prescribed.

**24. Chapter to have overriding effect and certain provisions thereof not to apply to minority colleges.**—

(1) This Chapter or any rule providing for all or any of the matters specified in this Chapter or any order made in relation to any such matter shall have effect notwithstanding anything contained in any—

- (i) other law for the time being in force, or
- (ii) award, agreement or contract of service, whether such award, agreement or contract of service was made before or after the date of commencement of this Act, or
- (iii) judgement, decree or order of court, tribunal or other authority :

Provided that where, under any such award, agreement, contract of service or otherwise, any teacher or other person employed in any private college is entitled to benefits in respect of any matter which are more favourable to him than those to which he will be entitled under this Chapter, such teacher or other person shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Chapter.

(2) Nothing contained in this Chapter shall be construed as precluding any such teacher or other person from entering into an agreement for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Chapter.

(3) The provisions of sub-section (2) of section 18 and of sections 19 to 22 (both inclusive) of this Chapter or any rule providing for all or any of the matters specified therein or any order made in relation to any such matter shall not apply to a minority college.

## CHAPTER V

### CONTROL OF PRIVATE COLLEGES

**[25. Closure of private college.—** (1) No private college and no class and no course of instruction therein in a private college shall be closed without obtaining the prior approval of the *competent authority* and without making such arrangements as may be prescribed for the continuance of the instruction of the students of the private college or the class or the course of instruction, as the case may be, for the period of study for which the students have been admitted.

(2) No prior approval under sub-section (1) shall be given unless a notice in writing is given to the *competent authority*. The period of notice shall be such as may be prescribed and different

periods of notice may be prescribed for different classes of private colleges. The notice shall be in such form, contain such particulars and given in such manner as may be prescribed.

(3) The competent authority shall dispose of the notice given under sub-section (2) as expeditiously as possible, and in any case, within six months from the date of receipt of the notice.

(4) On receipt of the notice under sub-section (2) and after considering the same,—

- (a) the competent authority may give the prior approval for closure of the private college, class or course of instruction, as the case may be, and while giving the said prior approval it may impose such conditions as it deems fit; or
- (b) if the competent authority is satisfied that,—
  - (i) the notice given under sub-section (2) is defective; or
  - (ii) no arrangements have been made as required under sub-section (1) for the continuance of the instruction of the students of the private college or the class or the course of instruction, as the case may be, for the period of study for which the students have been admitted; or
  - (iii) the reason given for closure of the private college, class or course of instruction, as the case may be, are directly attributable to the mismanagement or mal-administration on the part of the mismanagement; or
  - (iv) the financial position of the management is sound, in cases where the lack of finance has been adduced as a ground for closure of the private college, class or course of instruction, as the case may be; or
  - (v) the reasons given for closure of the private college, class or course of instruction, as the case may be, are not bonafide; or
  - (vi) the closure of the private college, class or course of instruction, as the case may be, shall adversely affect the educational opportunity available to the students of the local area in which such private

purposes for which they are intended and shall be accounted for by the educational agency in such manner as may be prescribed.

(2) A private college, may invest or deposit the funds—

- (a) in the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955); or
- (b) in a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959(38 of 1959); or
- (c) in any corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Under-takings) Act, 1970 (5 of 1970) or Post Office Savings Bank; or
- (d) in any of the securities specified in section 20 of the Indian Trusts Act, 1882(2 of 1882); or
- (e) in such other mode as may be prescribed.

**30. Taking over management of Private College.—**

(1) If, on receipt of a report from the competent authority or otherwise, the Government are satisfied that the educational agency of any private college has neglected to discharge any of the duties imposed on, or to perform any of the functions entrusted to, that agency by or under this Act or any rule or order made or direction issued thereunder and that it is expedient in the interests of collegiate education to take over the management of such private college, the Government may, by order in writing, take over the management of such private college.

<sup>1</sup>[Provided that the Government shall not initiate any proceeding under this section to take over the management of any private college unless they are satisfied that the suspension of the management under section 14-A will not be sufficient.]

(2) Before making an order under sub-section (1), the Government shall give the educational agency an opportunity of making its representations.

(3) Any order made under sub-section (1), shall have effect unless it is cancelled earlier for such period as may be specified in the order :

Provided that the period so specified shall not, in the first instance, exceed two years but may, by a like order, be

1. The proviso was inserted by Tamil Nadu Act 48 of 1998, w.e.f. 1-6-1998.

extended from time to time, by any period not exceeding one year at any one time, if it appears to the Government that the interests of collegiate education require such extension, so, however, that no such order as so extended shall, in any case, remain in force for more than <sup>1</sup>[ten years] in the aggregate.

(4) On the making of an order under sub-section (1) taking over the management of a private college.—

(a) the educational agency and the college committee shall cease to discharge the duties imposed on, and to perform the functions entrusted to, that agency and that committee; and

(b) the Government—

(i) shall take all such steps as may be necessary to efficiently manage and run the private college in accordance with any law applicable to the private college in so far as such law is not inconsistent with this Act and the rules made thereunder and to take into the custody or control of the Government all the property, effects and actionable claims to which the private college is or appears to be entitled, and all the property and effects of the private college shall be deemed to be in the custody of the Government as on and from the date of the order; <sup>2</sup>[ \* \* \* ]

<sup>3</sup>(i-A) shall not be bound by any liability incurred by the educational agency of a private college prior to the taking over of the management of the private college (including any borrowing from any person, or payment to the teachers and other persons employed in the private college or to any other person) and no claim in respect of such liability shall be enforced by any Court whether in execution of a decree or otherwise against the Government :

Provided that in computing the period of limitation for a suit, or any application for the

1. Substituted by T.N. Act 30 of 1987.

2. The word "and" was omitted by Act 2 of 1981.

3. Sub-clause (i-A) and (i-B) were inserted by *ibid*.



college is situated, it may refuse to give the prior approval for closure of the private college, class or course of instruction, as the case may be, after recording in writing the reasons for such refusal:

Provided that the competent authority shall not refuse to give the prior approval unless the applicant has been given an opportunity of making his representations.

(5) Where the competent authority refuses to give the prior approval for closure of the private college, class or course of instruction, as the case may be, the management shall continue to run the private college, class or course of instruction, as the case may be.

(6) Where the competent authority gives approval for closure of the private college, class or course of instruction, as the case may be, during the course of an academic year, such closure shall take effect from the expiry of the said academic year.

**Explanation.**— For the purposes of this section, the expressions “management” and “private college” shall have the same meaning as in the Explanation to sub-section (3) of section 14-A.]

**26. Educational agency to send list of properties.**— The educational agency shall on or before the prescribed date in each year, furnish to the competent authority a statement (with such particulars as may be prescribed) of every—

- (a) movable property of not less than such value as may be prescribed; and
- (b) immovable property of the private college.

**27. Restriction on alienation of property of the private college.**— (1) Notwithstanding anything contained in any other law for the time being in force or in any deed, document or instrument having effect by virtue of such other law—

- (a) no property of a private college shall, except with the previous permission in writing of the competent authority, be transferred by way of sale, exchange, mortgage, charge, pledge, lease, gift or in any other manner whatsoever; and
- (b) if any such property is transferred without such permission, the transfer shall be null and void.

(ii) may afford such special educational facilities as were, immediately before the making of the order under sub-section (1) afforded at the private college.

**Explanation.**— In sub-clause (i) of clause (b), the expression “law” includes any by-law, rule, regulation, custom or usage.

(5) If at any time it appears to the Government that the purpose of the order made under sub-section (1) has been fulfilled or that for any other reason, the order shall be cancelled, the Government may, by order in writing, cancel the order made under sub-section (1) and on such cancellation, the maintenance and management of the private college shall stand restored to the educational agency.

(6) Any person aggrieved by any order of the Government under this section may prefer an appeal against such order to the Tribunal.

(7) This section or any order made thereunder shall have effect notwithstanding anything contained in any other law for the time being in force or in any deed, document or instrument having effect by virtue of such other law.

**[30-A. Continuance of taking over of management in certain cases.**— (1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, or in any decree or order of any court, tribunal or other authority, if any private college, the management of which was taken over by the Government under section 30, could not be restored to the educational agency of such private college after the expiry of the period specified in the order made under sub-section (1) of the said section 3.—

- (1) for the reason that a dispute as to the constitution of the educational agency or as to whether any person or body of persons is an educational agency in relation to the private college is pending in any civil court having jurisdiction; or

(2) The competent authority may—

- (a) grant the permission under clause (a) of sub-section (1) if the transfer is made in furtherance of the purposes of the private college or of similar purposes approved by the competent authority; and the assets resulting from the transfer are to be wholly utilised in furtherance of the said purposes; and
- (b) when granting such permission, impose such conditions as it deems fit to ensure that such assets are wholly utilized in furtherance of such purposes; but a contravention of any such condition shall not invalidate the transfer :

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

**Explanation I.**— For the purposes of this section, “property” means any—

- (a) movable property of not less than such value as may be prescribed; and
- (b) such immovable property as may be specified in the rules made in this behalf.

**Explanation II.**— In this section and sections 28 and 29, “private college” does not include a minority college.

**28. Fees and other charges.**— (1) Subject to the provisions of sub-section (2), no private college shall levy any fee or collect any other charge or receive any other payment except a fee, charge or payment specified by the competent authority :

*Provided that the examination fees that are being prescribed by the University shall continue to be prescribed by such university.*

(2) Every private college in existence on the date of commencement of this Act and levying different rates of fees or

- (ii) for the reason that the person to whom possession of the property of such private college is to be delivered cannot be found or has no legal agent or other person empowered to accept delivery on his behalf; or
- (iii) for such other reasons, as may be prescribed, the Government may, in the public interest and in the interest of the collegiate education, by order in writing, continue the taking over of the management of such private college from the date of such expiry, for such further period as may be specified in the order:

*Provided that the period so specified shall not in the first instance exceed one year but may be extended from time to time, by any period not exceeding one year at any one time so, however, that no such order as so extended shall, in any case, remain in force for more than five years in the aggregate.*

(2) Save as otherwise provided in this section, the provisions of section 30 [except sub-sections (1) and (2)] and other provisions of this Act shall, as far as may be, apply to an order made under sub-section (1) as they apply to an order made under sub-section (1) of section 30.]

**31. Relinquishment of control of property.**— (1) Where the control of any property taken over under section 30 is to be relinquished, the Government may, after making such inquiry, if any, as they consider necessary, by order in writing, specify the person to whom possession of the property shall be delivered.

(2) The delivery of possession of any such property to the person specified in the order made under sub-section (1) shall be a full discharge of the Government or the competent authority or any other authority or officer or servant of the government from all liability in respect of such property, but shall not prejudice control of such property is relinquished, and in the case of any building or land, shall cause a copy thereof to be affixed on some conspicuous part of such building or land.

(4) When the notice referred to in sub-section (3) is published in the *Tamil Nadu Government Gazette*,—

- (a) the property specified in such notice shall cease, on and from the date of such publication, to be subject to the control of the Government or the competent authority or any other authority or officer or servant of the Government;
- (b) possessions of such property shall be deemed to have been delivered on that date to the person entitled to possession thereof; and
- (c) the Government or the competent authority or any other authority or officer or servant of the Government shall not be liable for any rent, compensation or other claim in respect of such property for any period after the said date.

**32. Minority college not to be taken over.**— Notwithstanding anything contained in this Chapter, the Government shall not take over the management of any minority college under section 30.

## CHAPTER VI

### ACCOUNTS, AUDIT, INSPECTION AND RETURNS

**33. Accounts.**— Every private college shall maintain accounts in such manner and containing such particulars as may be prescribed.

**34. Annual audit of accounts.**— (1) The accounts of every private college receiving grant shall be audited at the end of every academic year by such authority, officer or person as may be prescribed and different authorities, officers or persons as may be prescribed for different classes of private colleges.

(2)(a) The authority, officer or person, prescribed under sub-section (1), shall send a copy of the report on the audit of the accounts, under that sub-section to the competent authority which shall forward the report to the educational agency.

(b) The educational agency shall, within such period as may be prescribed, submit that report together with the comments of that agency to the competent authority.

**35. Inspection or Inquiry.**— (1) The competent authority shall have the right to cause an inspection of, or inquiry in respect

of, any private college, its buildings, laboratories, libraries, workshops and equipments, and also of the examinations, teaching and other work conducted or done by the private college, to be made by such person or persons as it may direct and to cause an inquiry to be made in respect of any other matter connected with the private college and in respect of the discharge of any other function under this Act and the educational agency shall be entitled to be represented thereat.

(2) The competent authority shall communicate to the educational agency the views of that authority with reference to the results of such inspection or inquiry and may, after ascertaining the opinion of the educational agency thereon, advise that agency upon the action to be taken.

(3) The educational agency shall report to the competent authority the action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry and such report shall be furnished within such period as the competent authority may direct.

(4) Where the educational agency does not, within a reasonable time, take action to the satisfaction of the competent authority, that authority may, after considering any explanation furnished or representation made by the educational agency, issue such directions as that authority deems fit and the educational agency shall comply with such directions.

**36. Furnishing of returns, etc.**—Every educational agency 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 VII

### GENERAL PROVISIONS REGARDING APPEAL AND REVISION

**37. Appeal against orders of Competent authority.**—

(1) Any person aggrieved by any order, decision or direction of the competent authority under any provision <sup>1</sup>[including section 25] of this Act may prefer an appeal against such order, decision or direction, to such authority or officer as may be prescribed; and different authorities or officers may be prescribed for different classes of private colleges.

1. Inserted by Act 1 of 1987 w.e.f. 13.2.87

(2) If the competent authority omits to communicate its decision to any applicant within the period prescribed under clause (b) of sub-section (2) of section 7<sup>1</sup> [or under sub-section (3) of section 25] such applicant may prefer an appeal against such omission to the appellate authority prescribed under this section.

**38. Tribunal.**— (1) The Government may, by notification, constitute as many Tribunals may be necessary for the purposes of this Act.

(2) Each Tribunal shall consist of one person only who shall be a judicial officer not below the rank of a district judge.

(3) Each Tribunal shall have such jurisdiction and over such area or in relation, to such class of private colleges, as the Government may, by notifications, from time to time, determine.

(4) Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 6 of 1908, while hearing an appeal.

**39. Time for appeal and powers of appellate authority.**—

(1) No appeal under any provision of this Act shall be preferred after the expiry of one month from the date on which the order, decision or direction appealed against was received by the appellant :

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 any such appeal, the appellate authority shall, after—

- (i) giving the parties an opportunity of making their representations,
- (ii) making, if necessary, such inquiry as it deems fit, and
- (iii) considering all the circumstances of the case, make such order as it deems just and equitable.

(3) The appellate authority may, pending the exercise of its power, pass such interlocutory orders as it deems fit.

(4) Every appeal under this Act shall be disposed of as expeditiously as possible.

**40. Deposit with the Tribunal of pay and allowances of teachers and other persons employed in private colleges in certain cases.**— (1) If the appellate authority referred to in section 20 has, in any appeal under that section against the dismissal or removal or reduction in rank or the termination otherwise of the appointment of any teacher or other person employed in any private college, made an order restoring such teacher or other person as such, no appeal against the order of such restoration shall be preferred to the Tribunal, and no appeal against the order of such restoration which, under section 22 stands transferred to the Tribunal, shall be proceeded with by the Tribunal, unless the educational agency deposits with the Tribunal all arrears of pay and allowances due to such teacher or other person from the date of his dismissal or removal or reduction in rank or termination otherwise of his appointment up to the date of deposit, and continues to deposit the pay and allowances due to such teacher or other person until the termination of the proceedings before the Tribunal.

(2) The deposit under sub-section (1) shall be made within such time and in such manner as may be prescribed.

(3) Where there is any dispute as to the amount to be deposited under sub-section (1), the Tribunal shall, on application made to it either by the educational agency or by such teacher or other person and after making such inquiry as it deems fit, determine summarily the amount to be so deposited.

(4) If the educational agency fails to deposit the amount as aforesaid, the Tribunal shall, unless the educational agency shows sufficient cause to the contrary, stop all further proceedings and make an order directing the educational agency to restore such teacher or other person as such.

(5) (a) Where, as a result of any final order made by the Tribunal at the conclusion of the proceedings before it, such amount of pay and allowances as becomes due to such teacher or other person, shall be paid to him out of the amount deposited under sub-section (1).

(b) If there is any balance left of the amount deposited under sub-section (1) after payment under clause (a) of the pay and allowances referred to in that clause, such balance or, when no amount becomes due as aforesaid to such teacher or other person, the whole of the amount deposited under sub-section (1), shall be returned to the educational agency.

**41. Revision.**— (1) The Government may call for and examine the record of any authority or officer prescribed for the purpose of section 37 in respect of any proceedings to satisfy themselves as to the regularity of such proceeding, or the correctness, legality or propriety of any order made, decision taken or direction issued therein; and, if, in any case, it appears to the Government that any such order, decision or direction should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representations.

(3) The Government may, pending the exercise of their power under sub-section (1), pass such interlocutory orders as they deem fit.

## CHAPTER VIII

### PENALTIES AND PROCEDURE

**42. Penalty for not giving information or giving false information.**— If any person, when required, by or under this Act, to furnish any information, omits to furnish such information or furnishes any information which he knows, or has reasonable cause to believe, to be false, or not true in any material particular, he shall be punishable with fine which may extend to one hundred rupees.

**43. Other penalties.**— (1) If any person wilfully contravenes, or attempts to contravene, or knowingly 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 five hundred 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.

(2) If any person wilfully obstructs any authority, officer or person, from entering any private college in the exercise of any power conferred on it or him 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.

**44. 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 the 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 any 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) "company" means any body corporate and includes a firm, society or other association of individuals; and
- (b) "director" in relation to —
  - (i) a firm, means a partner in the firm.
  - (ii) a society or other association of individuals means the person who is entrusted under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

**45. Cognizance of offences.**— No court shall take cognizance of any offence punishable under this Act except on a report in writing of the fact constituting such offence made by an authority or officer authorised by the Government in this behalf.

**46. Jurisdiction of Criminal Court.**— No court inferior to that of a metropolitan magistrate or a judicial magistrate of the first-class shall try any offence punishable under this Act.



## CHAPTER IX

## MISCELLANEOUS

**47. Delegation of powers of Government.—** (1) The Government may, by notification, authorize any authority or officer to exercise any of the powers vested in them by or under this Act except the power to make rules and may, in like manner, withdraw such authority.

(2)(a) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Government or by such authority or officer as may be empowered by them in this behalf.

(b) The Government shall also have the power to control and revise the acts or proceedings of any authority or officer so empowered.

**48. Competent authority, etc., to be public servant.—** Every authority and every officer, duly authorized 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 (45 of 1860)

**49. Civil Court not to decide question under this Act.—** 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 empowered under this Act.

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

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

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

(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 a 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.

**52. Over-riding effect of this Act.**— The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force including any regulation or statute of any university.

**53. Power to make rules.**— (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) all matters expressly required or allowed by this Act to be prescribed;
- (b) the form of applications and the statements under this Act and the particulars which such application and statement shall contain;
- (c) the establishment and maintenance of private colleges;
- (d) the giving of grants to private colleges;
- (e) the grant of permission under sub-section (1) of section 5;
- (f) the admission of students in private colleges including special provision for the advancement of socially and educationally Backward Classes of citizens and the Scheduled Castes and the Scheduled Tribes.

**Explanation.**— In this clause, "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning as in the Constitution;

- (g) the manner in which accounts, registers and records shall be maintained in private colleges and the authority responsible for such maintenance;
- (h) the submission of returns, statements, reports and accounts by educational agencies of private colleges;
- (i) the purposes of the private college for which the premises of the private college may be used and the conditions subject to which such premises may be used for any other purpose;
- (j) the conditions subject to which donations or contributions from the public may be accepted for the purposes of private colleges and the naming of private colleges;
- (k) the procedure and the disposal of the business of the Tribunal.

**54. Publication of rules, commencement of rules and notifications and placing them on the table of the legislature.**— (1)(a) All rules made under this Act shall be published in the *Tamil Nadu Government 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.

(b) 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 so published.

(2) Every rule made or notification issued under this Act shall, as soon 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 in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification 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 amendment shall be without prejudice to the validity of anything previously done under that rule or notification.

**55. Act to be prospective in its application to certain persons.**— The provisions of this Act shall apply to persons, other than teachers, employed in private colleges as from the

date of publication of this Act in the *Tamil Nadu Government Gazette*.

**56. Repeal and saving.**— (1) The Tamil Nadu Private Colleges (Regulation) Ordinance, 1976, (Tamil Nadu Ordinance 11 of 1976) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance including any orders passed, notification issued, rules, regulations and appointments made shall, in so far as they are not inconsistent with this Act be deemed to have been done or taken under this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

---

## **THE TAMIL NADU PRIVATE COLLEGES (REGULATION) RULES, 1976**

### *Arrangement of Rules*

#### *Rules*

1. Short title
2. Definitions
3. Application for permission to establish a college
4. Grant of permission
5. Application for approval of transfer, etc., under section 7
6. Minority college to send statement
7. Payment of grant Committee
8. Constitution of Committee
9. Secretary of the Committee
10. Meetings of the Committee
11. Conditions of service, etc. of teachers and other persons in college
12. Teachers and other persons employed in a college to be covered by Code of Conduct
13. Suspension of teachers or other persons employed in colleges
14. Appeal against the order or punishment imposed on teachers and other persons employed in colleges
15. Pay and allowances of teachers and other persons employed in college to be paid in the prescribed form
16. Closure of Private Colleges
17. Educational Agency to send list of properties
18. Restriction on alienation of property of college
19. Fees and other charges
20. Utilisation of funds and property of college
21. Accounts

22. Annual audit for accounts
23. Appellate authorities under section 37
24. Deposit with the Tribunal of pay and allowance of teachers and other persons employed in certain, cases
25. Reservation of seats in private colleges
26. Procedure for admission of students in Under Graduate/Post-Graduate courses in private aided Arts and Science Colleges (Non-minority)
27. Procedure for admission of students in Under Graduate/Post-Graduate courses in private unaided Arts and Science (Non-minority) Colleges and for unaided courses in private aided Arts and Science (Non-minority) Colleges

#### **ANNEXURE I**

Code of Conduct for teacher and other persons employed in a college

#### **ANNEXURE II**

List of Registers and Records to be maintained by a College

##### **FORM 1**

Application Form for permission to establish a college

##### **FORM 2**

Statement of particulars in respect of existing college

##### **FORM 3**

Application for approval of the change in the constitution of a College

##### **FORM 4**

Application for approval of the change of the Educational Agency.

##### **FORM 5**

Statement of particulars to be furnished by the minority college

##### **FORM 6**

Application for approval of changes in Secretaryship

**FORM 7-A**

Form of Agreement to be executed by a college committee of a college in respect of permanent teachers

**FORM 7-B**

Form of Agreement to be executed by the college committee of a private college in respect of the temporary teachers.

**FORM 7-C**

Form of Agreement to be executed by a college committee of a College in respect of employees other than teachers

**FORM 7-D**

Form of Agreement to be executed by the College Committee of a College in respect of the temporary employee other than teachers

**FORM 8**

Application Form for Permission to the Closure of College / Courses / Classes

\* \* \* \* \*

**THE TAMIL NADU PRIVATE COLLEGES  
(REGULATION) RULES, 1976**

(G.O. Ms. No. 1285, Education, 22nd June 1976)

SRO No. A-206 (a) / 76

*In exercise of the powers conferred by section 53 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 (President's Act 19 of 1976), the Governor of Tamil Nadu hereby makes the following rules:-*

**RULES**

**1. Short title.**— These rules may be called the Tamil Nadu Private Colleges (Regulation) Rules, 1976.

**2. Definitions.**— In these rules, unless the context otherwise requires,—

(a) “**Act**” means the Tamil Nadu Private Colleges (Regulation) Act, 1976 (President's Act 19 of 1976);

(b) “**College**” means and includes Arts and Science College, Teachers Training College, Physical Education College, Oriental College, School or Institute of Social Work and Music College maintained by the educational agency and approved by, or affiliated to the University;

(c) “**Committee**” means the college committee;

(d) “**Director**” means the Director of Collegiate Education;

(e) “**Form**” means a Form appended to these rules; and

(f) “**Section**” means a section of the Act.

**3. Application for permission to establish a college.**—

(1)(i) Every application for permission to establish a college under section 4 shall be submitted in Form 1 so as to reach the Government in the Department of Education, Science and Technology<sup>1</sup> not later than the 30th day of September of the year preceding the academic year in which the college is proposed to be established;

(ii) Every application for permission shall be accompanied by a copy of the Constitution of the educational agency and a receipt from a Government Treasury for the remittance of the fee specified in sub-rule (2).

1. Now, called as Higher Education Department.



(2) The fee for the grant of permission to establish a college shall be rupees five hundred only and it shall be remitted in a Government Treasury to the Government account.

(3) Every educational agency of a college to be established shall create the endowment prescribed by the University concerned and the details of such endowment shall be sent along with the application.

(4) Every application not accompanied by a receipt from a Government Treasury for the remittance of the fee referred to in sub-rule (2) and every application received after the due date are liable to be rejected.

(5) The statement under sub-section (3) of section 4 shall be sent in Form 2 so as to reach the Government not later than the 31st day of July of that year (1976).

**4. Grant of permission.**— (1) The decision of the Government under section 5 shall be communicated to the applicant within six months from the last date prescribed for the receipt of application under sub-section (1) of section 4.

(2) Where the permission to establish a college is refused, the applicant shall make an application to the Government for the refund of one half of the fee remitted along with application.

**5. Application for approval of transfer, etc., under section 7.**— (1) Every application for approval of a change in the Constitution of the educational agency shall be in Form 3.

(2) Every application for approval of transfer of management of any college or for the approval of any such transfer where the transfer was made without prior approval having been obtained for such transfer, shall be to Form 4.

**6. Minority college to send statement.**— (1) Every minority college in existence immediately before the 21st day of November 1975 shall send a statement in Form 5 so as to reach the competent authority not later than the 31st day of July 1976.

(2) Every minority college established and administered after the 21st day of November 1975 and before the 1st day of June 1976 shall send a statement in Form 5 so as to reach the competent authority not later than the 31st day of August 1976.

(3) Every minority college established and administered after the 1st day of June 1976 shall send a statement in Form 5

so as to reach the competent authority within three months from the date of establishment of the college.

**7. Payment of grant committee.**— (1) Subject to the orders and instructions issued by the Government, from time to time, every college may be paid grants specified in sub-rule (2). No grant shall be paid to any college, the affiliation/approval of which has been withdrawn by University concerned for the period of such withdrawal of affiliation/approval.

(2) Subject to such terms and conditions and at such rates as may be approved by the Government, from time to time, grants may be paid to any college for the purposes of teaching, construction of buildings, purchase of building site, playground, furniture, books and appliances.

(3) Subject to the provision of sub-section (2) of section 10, the Government may withhold permanently or for any specified period, the whole or part of any grant, if any, of the conditions specified below or directions or orders issued by the Government or the Director or his subordinate officers, from time to time, are contravened or not complied with—

- (a) No educational agency shall collect from the students, parents or any other person for any purpose whatsoever fees, donations or subscriptions other than those specified by the competent authority under section 28;
- (b) The educational agency shall carry out the instructions issued by the Government from time to time in the public interest to ensure that the interest of students belonging to the socially and educationally backward classes and the linguistic minorities are safe-guarded;
- (c) The educational agency shall carry out the instructions issued by the Government or by the Director with a view to maintain academic standards and to safeguard the interests of the teachers and the students;
- (d) The educational agency shall fulfil all the conditions stipulated, at the time of according permission to establish the college;
- (e) The college shall be located in a building which is accessible to all persons, irrespective of caste or community;

- (f) The premises of the college or subsidiary building appertaining to it or a playground or a vacant site belonging to the college whether adjacent to or remote from it shall ordinarily be used for the purposes of conducting the college or for functions conducted by such college or for authorised examinations or for other purposes specifically permitted by the Director;
- (g) The committee shall not appoint any teacher who has been duly declared unfit to be a teacher by the University or the Director, or whose certificate has been suspended or cancelled or who has been convicted for offence involving moral turpitude;
- (h) The committee shall grant fee concessions to students in accordance with the orders issued by the Government from time to time.

**8. Constitution of committee.**— (1) The educational agency of every college, other than minority college, shall constitute a committee.

(2) The term of office of the members of the committee shall be three years. Members of the committee shall be eligible for re-nomination.

(3) The committee shall consist of—

- (a) representatives of the educational agency, who shall be nominated by such educational agency;

Provided that no employee of the college shall be nominated under this category.

- (b) Principal of the college; and
- (c) two senior-most Professors.

**Explanation (1)**— In case where there is only one Professor that Professor and one senior-most Assistant Professor/Lecturer and where there is no Professor, two senior-most Assistant Professors/Lecturers shall be in the committee.

**Explanation (2)**— For purposes of this rule, the seniority shall be determined with reference to the total service rendered by the Professors/Assistant Professors/Lecturers in any college or colleges in the State of Tamil Nadu.

- (d) One member nominated by the University concerned.

(4) When a vacancy in category (c) in sub-rule (3) arises, the next senior-most Professor or Assistant Professor / Lecturer, as the case may be, shall be nominated to the committee.

(5) The educational agency shall nominate one of the representatives in the committee as the President.

(6) No person shall be eligible to become a member of the committee, if he is—

- (a) a minor; or
- (b) a mentally unsound person; or
- (c) a person convicted for criminal offence involving moral turpitude;
- (d) an insolvent; or
- (e) a person found responsible for any serious irregularity as a result of enquiry by the University or the Department of Education, Science and Technology.

**9. Secretary of the committee.**— (1) The educational agency shall nominate one of its representatives as Secretary of the committee:

Provided that it shall be open to the educational agency to nominate the Principal as Secretary of the committee.

(2) The term of office of the Secretary shall ordinarily be three years. However, he/she shall be eligible for renomination for subsequent terms. If the educational agency intends to change the Secretary within the period of three years, it shall do so only with the prior approval of the Director, Application for approval of change in the Secretaryship shall be made to the Director in Form 6.

(3) The Secretary shall function for and on behalf of the committee and educational agency.

(4) The Secretary shall act according to the resolutions passed at the meeting of the committee.

(5) The Secretary shall not interfere in the internal administration of the college such as admission, examination, promotion of student and other academic matters as also the administration of the special fee funds, which shall be made the exclusive responsibility of the Principal.

(6) The Secretary shall be responsible for the maintenance of proper and accurate accounts and the administration of college funds except special fee funds.

**10. Meetings of the Committee.**— (1) The meetings of the committee shall be convened by the Secretary with the approval of the President.

(2) No meeting of the committee shall be held except at the premises of the college or the place where the educational agency has its office, the address of which has been furnished by the educational agency to the Director.

(3) No meeting of the committee shall be conducted unless—

- (a) at least seven clear days' notice in writing has been given to the members of the Committee; and
- (b) at least fifty per cent of the total number of members of the committee are present.

**Explanation.**— If the total number of the members of the committee is an odd number, the next higher even numbers shall be taken for purpose of this sub-rule.

(4) The minutes of the meeting of the committee shall be recorded and shall be circulated to the members of the committee. A copy of the minutes shall be communicated by the Secretary to the Director within fifteen days from the date of the meeting.

(5) Subject to the provisions of sub-rule (3), the Director may, of his own motion, call for a meeting of the committee and such meeting shall be held at such place and at such time as he may direct. If such a meeting could not be conducted for want of quorum, it shall stand adjourned to the next day at the same time and place and the number of members present at such adjourned meeting shall constitute the quorum.

**11. Conditions of service, etc. of teachers and other persons in college.**— (1) The number of teachers employed in a college shall not exceed the number of posts fixed by the Director, from time to time, with reference to the academic requirements and norms of work load prescribed by the respective Universities and overall financial considerations.

(1-A) Every private college, not being a minority college shall reserve 18 per cent of the vacancies for appointment as teacher or other employee, for candidates belonging to Scheduled Castes and Scheduled Tribes.

(1-B) Every private college, not being a minority college, shall reserve 50 per cent of the vacancies for appointment as teacher or other employee, for the candidate belonging to the Backward Classes.

(1-C) The claims of members of the Backward Classes, Scheduled Castes and Scheduled Tribes shall also be considered for the remaining 32 per cent of unreserved vacancies which are filled on the basis of merit. Where a candidate belonging to Backward Classes or Scheduled Castes or Scheduled Tribes is selected on the basis of merit in said 32 per cent of the unreserved vacancies, the number of vacancies reserved for Backward Classes, Scheduled Castes and Scheduled Tribes, as the case may be, shall *not in any way be affected*.

(1-D) If a qualified and suitable candidate belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes is not available for selection for appointment in the turn allotted for them in the cycle, the turn so allotted to the Backward Classes shall lapse and the vacancy shall be filled by the next turn in the order of rotation; but the turn so reserved for Scheduled Castes and Scheduled Tribes shall not lapse the number of candidates to be selected in that recruitment shall be reduced by the number of Scheduled Castes and Scheduled Tribes candidates not available for the selection against the turn reserved for them. The unfilled vacancies reserved for Scheduled Castes and Scheduled Tribes shall be carried-over to the next recruitment and selection for appointment to that post in the next recruitment and selection made first for the carried over turn and then the normal rotation shall be followed. If qualified Scheduled Castes or Scheduled Tribes candidates or not available even then, the carried-over turn shall lapse and the vacancy shall be filled by the next turn in the order of rotation.

(2)(i) The committee of every college shall enter into an agreement with the teachers in Form 7-A and with the employees other than teachers in Form 7-C. If the appointment is for a period not exceeding three months, the agreement shall be made in Form 7-B in the case of teachers and in Form 7-D in the case of employees other than teachers.

(ii) Four copies of the agreements referred to in clause (i) shall be executed, one copy shall be furnished to the teacher or the employees other than teacher, as the case may be, second copy shall be retained by the committee, the third copy shall be

forwarded to the Director and the fourth copy shall be forwarded to the University concerned. Fresh agreements shall be executed whenever there is a change of post specified in earlier agreement.

(3) In the case of regular vacancies, a fully qualified candidate shall be appointed only on a regular basis. However, in a temporary vacancy arising on account of leave, deputation for training or suspension, etc., a qualified candidate may be appointed temporarily for a specified period provided that such teachers' services shall not be terminated before the expiry of the said period.

<sup>1</sup>[(4)(i) Promotions in respect of teaching staff shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal, and in respect of non-teaching staff promotions shall be made on seniority basis, provided other conditions regarding qualification are satisfied.]

<sup>2</sup>[(ii) The committee shall fill up the posts by promotion or by direct recruitment. The committee shall, while making promotion, consider the claims of all the qualified teachers in that college. If, however, none of the qualified teachers in the college is found suitable for promotion, the vacancy shall be filled up by direct recruitment by calling for applications from qualified persons through the Press or by calling for a list of candidates from the Employment Exchange by following the rule of reservation ordered by the Government from time to time for direct recruitment.]

*Explanation.*— For purposes of this rule, if an educational agency has established and administered more than one college, then the colleges under the control of that educational agency shall be treated as one unit.

(5) Service register shall be maintained for every teacher or other person employed in a college in the Form prescribed for Government servants, from time to time, showing among others, the date of appointment, the scale of pay on which the teacher or other person employed in a college, was appointed, the increments given, from time to time, the leave at credit and the leave granted and other relevant entries such as awards and punishments, etc.

(6) The scales of pay and other allowances of every teacher and other person employed in a college shall be as approved by the Government from time to time.

1 Substituted by G.O. Ms. No. 60, Education (RD), dated 20-1-1986.

2 Substituted by G.O.Ms. No.1690, Education, dated 21-10-1986.

(7) Every teacher and other person employed in a college shall be governed by the leave rules approved by the Government, from time to time, in respect of them.

(8) Every teacher in a college shall be governed by the rules under the Teachers Provident Fund Scheme and the committee shall ensure that all the teachers who are eligible for admission to the said Scheme are admitted to the Scheme.

(9) Every teacher or other person employed in a college shall, subject to the orders issued by the Government, from time to time, be eligible for pension.

**12. Teachers and other persons employed in a college to be covered by Code of Conduct.**— (1) Every teacher (and) other person employed in a college shall be governed by the Code of Conduct as set out in Annexure I.

(2) Every teacher or other person employed in a college shall, for violation of any of the provisions of the Code of Conduct, be liable to disciplinary action and punishment which may include dismissal, removal, termination of service or reduction in rank.

(3) Every committee shall send to the Director a copy of the standards of conduct referred to in sub-section (2) of section 18.

(4) Violation of any of the standards of conduct, defined by the committee shall render the teacher or other person employed in a college liable to disciplinary action and punishment which shall not, however, include dismissal, removal, termination of service or reduction in rank.

**13. Suspension of teachers or other persons employed in colleges.**— (1) Whenever a teacher or other person employed in a college is kept under suspension for gross misconduct, the educational agency shall pay him the subsistence allowance every month at half the rate of pay which he was drawing at the time of suspension and in addition to the dearness allowance and other allowances, admissible on the basis of such pay.

(2) Whenever a teacher or other person employed in a college is kept under suspension, the grant, payable to the college shall be governed by the following provisions, namely:—

- (a) Where, after due enquiry, including the appeal, the suspension is found justified, the committee will be entitled to the grant towards the expenditure of



subsistence allowances actually paid to the teacher or other person employed in the college and such expenditure shall be taken into account as admissible item for purposes of assessment of grant. Substitutes, if any appointed, may be taken into consideration for assessment of grant if such substitute is a qualified person and is within the sanctioned strength of teaching staff as approved by the Director.

- (b) Whereas, after due enquiry, including the appeal, suspension is found not justified, the committee shall not be entitled to any grant in respect of the expenditure on the subsistence allowance paid to the teacher or other person employed in the college. The educational agency shall however, pay such teacher or other person the full pay and allowance he would have drawn but for his suspension. Any substitute, appointed in the place of the said teacher or other person shall not be taken into consideration for assessment of grant.

**14. Appeal against the order or punishment imposed on teachers and other persons employed in colleges.—** The authority to whom an appeal under section 20 shall lie shall be the <sup>1</sup>[Director of Collegiate Education]

**15. Pay and allowances of teachers and other persons employed in college to be paid in the prescribed form.—** Every teacher and other person employed in a college shall be paid his pay and allowances for each month on the first working day of the succeeding month. Such payments shall be made, by cheque or by demand draft and not by cash, by the Secretary of the committee or in his absence, for any reason whatsoever, by the person duly authorised by the educational agency.

**<sup>2</sup>[16. Closure of Private Colleges.—** (1) The notice for closure of a private college or a class or a course of instruction therein shall be given to the competent authority before the 1st September of the year preceding the year in which the closure is proposed to be given effect to. Such notice shall be in Form No.8.

(2) (a) When a college takes steps to close down a particular class or course of instruction, as the case may be, it should be ensured that the students who have been already admitted to such courses are not deprived of the benefit of the continuance of education in a particular

1. Substituted for the word "Government" by G.O. Ms.No. 1287, Education, dt. 13-9-1990.

2. Rule 16 was substituted by G.O.Ms. No. 614, Education, dt. 14-4-1988.

course or class. While the first year classes are discontinued in a particular year with due approval from the competent authority, such private colleges should continue to run the second and third year classes of the particular course without any interruption. Similarly, in the subsequent year when the second year classes are discontinued, such private colleges should continue to run the third year classes without any interruption.

(b) While applying for closure or discontinuance of a class or course by the private college, the management of such private college should furnish the names and details of service of the Junior-most teachers and others who are rendered surplus due to such closure to the competent authority for consideration for re-deployment of such teachers to the needy colleges.]

**17. Educational Agency to send list of properties.—**

(1) Every educational agency shall, on or before the 1st day of July of each year commencing from the 1st day of July 1976 send to the competent authority a statement of all movable properties the value of which, individually is not less than Rs.100 (Rupees one hundred only) and where there are more than one article of the same category, if the total value of such articles exceeds Rs.500 (Rupees five hundred only) and a statement of all immovable properties. The statement in respect of immovable property, shall contain the following particulars and it shall be authenticated by the educational agency:—

- (a) Name of property
- (b) Description, address and location.
- (c) Area/Extent together with the survey number
- (d) In the case of cultivable land, its classification and the crops grown.
- (e) Market value.
- (f) Financial income derived from the property.
- (g) Remarks, if any.

**Explanation.—** A certificate from an officer of the Revenue Department not lower in rank than that of a Tahsildar shall be obtained in respect of items (e) and (f) above, at the time of the first submission of the statement.

(2) Whenever there is any change in the movable or immovable properties, such change should be indicated in the statement.

**18. Restriction on alienation of property of college.—**

(1) The movable and immovable properties referred to in rule 17 shall be the movable and immovable properties for the purpose of section 27.

(2) Movable properties in respect of which permission has been obtained, shall be sold, only through public auction. Records of such public auction shall be maintained and submitted for inspection.

**19. Fees and other charges.—** No fees, other than prescribed tuition fee and special fees which are permitted to be collected or other charges or donation of any kind shall, except with the prior permission of the competent authority, be collected either from the students or from parent or from the public.

(2) In cases where the collection of special fees has been specified by the competent authority, there shall be no deviation from the permitted rate or the purpose for which such levy is authorised. Separate accounts shall be maintained for such special fees and utilised amount at the end of the year shall be carried-over to the next year's account under the same head.

**20. Utilisation of funds and property of college.—**

(1) The funds of the college shall be utilised for the bonafide purposes connected with the college.

(2) No educational agency shall divert the funds of the college from one purpose to another, without the previous permission in writing of the Director.

(3) In cases, where donations are collected with the previous permission of the competent authority for any specific or earmarked purposes, they shall be utilised only for such purpose. Balance amount, if any, shall be credited to the funds of the college.

**21. Accounts.—** (1) Every college shall maintain registers and records specified in Annexure II.

(2) Every college shall keep the accounts and other records within the premises of the college. They shall be made available at all reasonable times for purposes of audit, enquiry/or/and inspection by the Director or by any other person or persons authorised by him in this behalf.

(3) The Director or any other person authorised by him in this behalf shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other property belonging to, or in the custody of, the college and may summon any person in possession of or responsible for, the custody of any such

books, accounts, documents, securities, cash or other property to produce the same at the college office or at the Office of the Director.

**22. Annual audit for accounts.**— (1) Every educational agency of a college shall submit to the Director an annual financial statement for the period ending with the 31st day of March of that year and other subsidiary statements as may be prescribed by the Director, from time to time, not later than the 1st day of July of every year or within such further time, as may be permitted by the Director. The statements shall bear the signature of the Secretary of the Committee and the Principal.

(2) The Director shall audit or to be audited by some person authorised by him by general or special order in writing in this behalf the financial statements, accounts and other records of the college.

(3)(i) The competent authority shall forward a copy of the report on the audit of the accounts received under clause (a) of sub-section (2) of section 34 to the educational agency.

(ii) The period within which the educational agency shall submit the report under clause (b) of sub-section (2) of section 34 shall be 30 days from the date of receipt of the report from the competent authority.

(iii) Assessment of grant may be made on the basis of audit report. The final teaching grant will be sanctioned to the committee after deduction of the advance grants, if any, paid for that year.

**23. Appellate authorities under section 37.**— The authority or officer to whom an appeal under section 37 may be preferred by any person aggrieved by any order, decision or direction of competent authority under any provision of the Act shall be as follows:-

Section (1)	Purpose (2)	Authorities (3)
7	Approval of change in the Constitution of an educational agency or transfer of management of any college :	Director
19	Prior approval for dismissal, removal or reduction in rank of a teacher or other person employed in a college	[Director of Collegiate Education]

1. Substituted for the word "Government" by G.O. Ms.No. 1287, Education, dt. 13-9-1990.





politics or shall subscribe to, or assist in any other manner, any political movement.

(8) No teacher or other person employed in a college shall contest or participate in or canvass for any election. Such restriction will not, however, apply to the teachers in respect of elections to the teachers' constituencies.

(9) No teacher or other person employed in a college shall bring or attempt to bring any political or other influence on his superior authority in respect of his individual service interests.

[(10) No teacher or other person employed in a college shall engage himself or participate in any activity which is anti-secular or which tends to create disharmony in society or in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of States, friendly relation with foreign States, Public order, decency or morality or which involves contempt of Court, defamation or incitement to an offence].

(11) No teacher or other person employed in a college shall indulge in any criticism of the policies of the Government either directly or indirectly or participate in activities which brings disrepute to the Government.

**Explanation.**— Adoption of legitimate methods of ventilating grievance shall not be considered as criticism of the Government.

## ANNEXURE II

*[See Rule 21 of the Tamil Nadu Private Colleges  
(Regulation) Rules, 1976]*

### List of Registers and Records to be maintained by a College

1. Fee receipts.
2. Miscellaneous receipts.
3. Daily fee collection register.
4. Register of miscellaneous collections.
5. Admission and withdrawal register.
6. Term fee register.
7. Students attendance register.

8. Fee concession register.
9. Application for fee concession together with the income certificates obtained from the competent authority.
10. Register of scholarship holders.
11. Leave registers for scholarship holders.
12. Register showing the accounts of endowments of the college and the income derived therefrom.
13. Acquittance relating to the various items of scholarships.
14. Departmental cash book.
15. Daily cash book (special fees).
16. Daily cash book (general).
17. Ledger (general).
18. Ledger (special fees).
19. Vouchers (general) (incentives and stamped receipts to be kept together).
20. Vouchers (special fees) (invoices and stamped receipts to be kept together).
21. Acquittance roll (teaching staff).
22. Acquittance roll (non-teaching staff).
23. Scale register.
24. Provident fund collection and remittance.
25. Bank pass books (general and special).
26. Acquittance for the refund of tuition fee.
27. Attendance register for teaching staff.
28. Attendance register for non-teaching staff.
29. Casual leave register (teaching staff).
30. Casual leave register (non-teaching staff).
31. Register of leave other than casual leave.
32. Service Books.
33. Agreement entered into between the management and teachers.
34. Caution deposit register.
35. Postage account and private stamp account.
36. Stock registers (general funds).
37. Stock registers for laboratory articles, furniture, library books, games articles, Audio-Visual Aids, etc.



**FORM 1**

*[See sub-rule (1)(i) of rule 3 of the  
Tamil Nadu Private Colleges (Regulation) Rules, 1976]  
(To be submitted in triplicate)*

**Application Form for permission to establish a college**

1. (a) Name of the proposed college.  
(b) Whether the college is intended for men or women or a co-educational college.  
(c) Name and address of the educational agency.  
(d) Name of the town/village where the college is proposed to be established.
2. Revenue district/taluk and post office.
3. (a) Details of the educational agency which proposes to establish the college.  
(b) Whether it is a registered body. If so, the details, should be furnished.  
(c) Financial status of the educational agency (to be briefly stated)
4. Names of other colleges in the district in which the proposed college is to be established and the distance between them and the proposed college.

<i>Name</i>	<i>Distance</i>	<i>Students strength</i>
(1)	(2)	(3)

5. Names of high schools within a radius of 15 K.M. from the proposed college with details of strength of Standard (+2).

<i>Name of High school</i>	<i>Distance</i>	<i>Number of students studying in Standard (+2)</i>
(1)	(2)	(3)

6. Head for the opening of the college in the locality (to be briefly stated).

7. Courses proposed to be opened:

<i>Combination of subjects</i>	<i>Number of section</i>	
	<i>Tamil Medium</i>	<i>English Medium</i>

**Humanities**

- (i)
- (ii)
- (iii)