

Government of Himachal Pradesh  
Education Department

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

Dated : Shimla-171002

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19-10-2004

NOTIFICATION

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

Chapter-I  
Preliminary

Short title :- These rules may be called the Himachal Pradesh Private Educational Institutions (Regulation) Rules, 2003.

Definitions :- (1) In these rules, unless there is any thing repugnant in the context :-  
(a) 'Act' means the Himachal Pradesh Private Educational Institutions (Regulation) Act, 1997, Act No. 14 of 1999);  
(b) (Form) means a form appended to these rules, and  
(c) "Section" means a section of the Act.

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

Contd.....2.....

Chapter-II

Permission for establishing or running private Educational Institutions :-

3. Private Educational Institutions to obtain permission :- The application under Section-3 shall be made by the manager of every private Institution in form-I.
4. Application for permission :- (1) The application under section-4 shall be made by the manager of private educational institution to the competent authority.

(2) Every application under Clause (b) of sub section (2) of section 4 shall be accompanied by a non-refundable fee in the form of crossed bank demand draft draw able in favour of the concerned competent authority who shall invariably deposit the same in Government Treasury under relevant Head of account before carrying out inspection of such institutions. The fee for the purpose shall be as follows :-

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

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

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Chapter-III

6. Account of Privately managed institutions how to be maintained :-  
Every private educational institutions shall maintain and keep the accounts of all income received as fees, funds, donations, grants from the State Government or from Government of India or from any non-Government organisations, as the case may be in a register on form-III and of expenditure separately in a register in form-IV in each financial year. They will maintain the salary register of each employee in form-V.
7. The period of notice of clouser of private Educational Instutions :-  
The notice under section-12 for the closure of private educational institutions or class (Primary, Middle, High, Sr. Secondary and Colleges) shall be three months before the begining of the next academic session.
8. Decisions how to be conveyed :- The competent authority shall convey its decision to the manager in writing explaining therein the reasons in detail of its findings.
9. Appeal :- Any manager aggrieved by any decision of the competent authority under any of the provisions of these rules, may within thirty days from the date of receipt of the decision by him prefer an appeal against such decision to the Secretary (Education) to the Government of Himachal Pradesh.

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**PART-I**  
**Form-I (See Rule-3)**

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

1. Name of privately Managed Educational Institution-----
2. Name of Management of privately Managed institution (alongwith its members) -----
3. Name of the Manager of the privately Managed institution with full address. -----
4. Date of the Registration of the management under the registration of societies Act, 1860 (attach copy of registration and constitution of management -----
5. Whether the institution is being run by the minority community as specified in the constitution of India-----
6. The certificate for which such private educational institution prepares or trained or guides or proposes to prepare or train or guide its students or the certificate, which it grants or confers proposes to grant or confer (courses of study to be offered by the management to be specified).
7. Infrastructure Available
  - (a) Number of classrooms with dimension -----
  - (b) Number of laboratories with dimension-----
  - (c) Library with dimension -----
  - (d) Office accommodation including Head of Private educational Institutions room with dimension-----
  - (e) Number of urinals and lavatories with dimension (Separate for boys girls and staff -----

i) Boys	No.	dimensions
ii) Girls	No.	dimensions
iii) Staff	No.	dimensions
  - (f) Playground (number and size)
    1. dimensions
    2. dimensions
    3. dimensions

In such case number, dimensions and single line map..... may be provided with the applications. The single lime map..... should

Condt.P/5

drawn and attested by atleast a diploma holder in civil engineering.

(g) Whether sufficient furniture for students is available.

Give full details -----.

1. Whether institution is co-educational or otherwise-----.
2. Whether the institution is affiliated or proposed to be affiliated to any board of School Education, or university mention the name of Board or university-----  
-----.
3. Staff (teaching and non teaching)

Give complete information in the following proforma :-

Sr.No.	Name of posts	Persons appointed	Educational professional qual./Matric onwards with % of marks and division	Date and name of National daily paper in which advertisements appeared/name of emp.exch. and its letter No. and date	No and date of appointment
1.	2.	3.	4.	5.	6.

(a) Detail of pay scales (alongwith basic pay and allowances) of each category of post being given or to be given.

- 1.
- 2.
- 3.

and so on.

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

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

12. Give classwise details of enrolment of students admitted as follows:-

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

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

14. Name of the Government and private educational institutions surrounding the institution established alongwith their distance within the radius of 5 kms.

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

Contd.P/6

PART-II

Terms and conditions for grant of permission for running or establishing a private educational institution.

- 1) The management of private institution shall be registered under Registration of Societies Act, 1860.
- 2) The institution proposed to be opened shall be in accordance with the educational survey approved by the State Govt. or with the prior permission of the competent authority.
- 3) The Private institutions shall employ only the trained/eligible staff on the same pattern in which appointments are made in the Government institutions in accordance with the recruitment and promotion Rules of each category and norms laid down by NCTE/NCERT.
- 4) No private institution shall function within the premises of existing Government institution.
- 5) No particular religious education shall be imparted by the institution to maintain secular character of the institution.
- 6) Admission in the institution shall be made strictly in accordance with the norms as laid down by the Board of schools Education to which the school is affiliated. And no discrimination on the basis of Caste, Colour, Creed and sex shall be made.
- 7) Permission to run or establish a private educational institution shall be granted only on individual basis and no permitted institution shall be entitled to open its branches elsewhere.
- 8) There shall be accommodation for the class room as per norms given below :-

(i)	Primary classes (1 to 5)	Atleast one room for each section of each class.
(ii)	Middle classes (6th to 8th)	Atleast one room for each section of each class.
(iii)	High Classes (6th to 10th)	Atleast one room for each section of each class.
(iv)	High classes (9th to 10th)	Atleast one room for each section of each class.

9)	(a)	+1 and +2 classes (Arts)	Atleast one room for each section of each class in every subject.
	(b)	+1 and +2 classes (Arts & Science)	Atleast one room for each section of each class in every subject and one separate laboratory for each science subject.

Contd.P/7

(C)	+1 and +2 Classes	Atleast one room for each section of each class in every subject facultywise and atleast one separate laboratory for each science subject.
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Provided that all the five classes for primary school, three class for middle schools two classes for high and two classes of +1 and +2 school will be run together.

(e) B.A./B.Sc/Commerce:- Atleast 100 students in each class.

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

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

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

S.No.	Standard	Category	Required
(i)	Primary (1 to 5)	Primary Teacher Peon/Chowkidar	Two
			One
			Three
(ii)	Middle (6th to 8th.	Graduate Teacher B.Ed., 1 Arts and 1 Science.  Oriental Teacher Arts & Craft Teacher Physical Education Teacher Peon/Chowkidar	Two
			One
			One
			One
			One
			Six
(iii)	High (6th.to 10th.)	Headmaster Graduate Teacher B.Ed.(Two in Arts and One each in Med. and Non Med. Oriental Teacher Language Teacher Arts and Craft Teacher Physical Education Teacher Clerk Peon	One
			Four
			One
			One
			One
			One
			One
			Eleven

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S.No.	Standard	Category	Required
(iv)	High 9th to 10th	Graduate Teacher (B.Ed.) (One Arts and One Science) Language Teacher Clerk Lab Attendant Peon	Two  One One One One  Six
(v)	Senior Secondary School +1 and +2	Principal  Lecturer Arts  Lecturer Science (including Maths)  Lecturer Commerce  Diploma in Physical Education  Assistant Librarian  Lab Attendant  Asstt./Clerk  Peon	One  Five  Four  One  One  One  Two  One  One  Seventeen
vi)	College	(I) Principal	One
		(II) <u>Arts Faculty</u> (i) Lecturer English (ii) Lecturer Phy.Edu. (iii) Lecturers any other Five subjects. (iv) Lecturer Maths  (b) <u>Science Faculty</u> (i) Lecturer Physics (ii) Lecturer Chemistry (iii) Lecturer Botany (iv) Lecturer Zoology (v) Lecturer Maths  (c) <u>Commerce Faculty</u> (i) Lecturer III <u>Non Teaching Staff</u> Librarian Assistant Librarian Library Attendant	One One Five One  Two Two Two Two One  Three  One One One

Contd.P/9



S.No.	Standard	Category	Required
		Junior Lab. Attendant	Three
		Lab. Attendant	Three
		Tabla Instructor	One
		Supdt. Gr.II	One
		Assistant	One
		Clerks	Two
		Chowkidars	Two
		Mali	One
		Peons	Two
		Sweepers	Two

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

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Form-II  
Part-I  
(See rule-5)

Application for transfer of Management of a private institution to another Institution:-  
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1.	Name of the Privately managed institution	
2	Name of the present management alongwith its certificates of Registration under societies Registration Act, 1850 (attach copy of constitution and certificate of registration)	
3.	Name and address of the transfer management to which the institution is to be transferred alongwith list of its members (attach copy of certificate of registration under societies Registration Act, 1860, alongwith constitution of the management.	
4.	Name and address of the manager of the transferee management	
5.	Whether the transfer has been affected or proposed to be affected.	
6.	Whether the name of the institution is to be retained as such or proposed to changed, then give its new name	
7.	Reasons for transfer	
8.	Whether undertaking specifying the transfer of permission to run the institution and all assets and liabilities have been enclosed by the present and transferee management in prescribed manner as given in the end of this form.	
9.	Give details of assets and liabilities of the present management(including land and Jamabandi and tatima,details of building with line map drawings, play grounds, gardens, consumable and non-consumable articles, all other assets created by the present management for running the institution, taking over the services of the staff, teaching & non teaching, transfer of fees, funds, donation etc, and liabilities	
10.	Whether transfer deed is to be affected or has been affected. If already effected then attach a copy of deed	

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11. Whether the prescribed fee of Rs.250/- in these form of bank draft in the name of competent authority has been attached or not. Give the name of the bank and number of bank draft with date of issue.

Name and signature of the  
Manager of the  
transferee management

Name and signature of  
the management of the  
present management

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(Part-II)

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

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

Name and signature of the  
Manager of the Present management

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

Place \_\_\_\_\_

Name and signature of the  
Manager of the Present management

Date \_\_\_\_\_

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Part-III

Undertaking of the transferee Management for transfer of permission and assets and liabilities to run the private education.

I \_\_\_\_\_ the manager of the transferee management \_\_\_\_\_ (give full address) duly authorised by the management ( attach copy of letter of authorisation) undertake to run the institution \_\_\_\_\_ (full address) as such or under the new name \_\_\_\_\_ (full address) according to the provision of H.P. Private Educational Institution (Regulation) Act 1997, and Rules thereunder.

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

Place : \_\_\_\_\_

Name and signature of the  
Manager of transferee  
Management.

Dated : \_\_\_\_\_

Contd..13/-

Fees and Funds/collection Register

Form-III

See Rule-6

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

Income

S.No.	Particular	Amount
1.	(1) Fees a) Tution fee _____ b) Admission fee _____ c) Re-Admission fee _____ d) Fines _____	_____ _____ _____ _____
2.	Funds a) <u>Annual</u> 1. _____ 2. _____ 3. _____ b) <u>Monthly</u> 1. _____ 2. _____ 3. _____ and so on _____	_____ _____ _____ _____ _____ _____ _____
3.	<u>Others</u> 1. donations _____ 2. subscription _____ 3. endowment _____ 4. Grant-in-Aid from _____ the Govt. 5. Aid from other agencies _____ Total  Total	_____ _____ _____ _____ _____ _____ _____ _____ _____

Signature of Class Incharge

Signature of the Head of the  
Institution

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See Rule-6

Expenditure Register

S.No.	Particular	Amount
1.	Salary Teaching Staff	
2.	Salary Non-Teaching Staff	
3.	and so on.	

Signature of Head of Institution

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Salary Register

Form-V

(See Rule-6)

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

Salary Register/form for the month \_\_\_\_\_ year \_\_\_\_\_

Name	RP	DA	HRA	CA	Cap. All.	IR	Wash All.	Conv. All	Total
1	2	3	4	5	6	7	8	9	10

Deduction

PF	Others	deduction	Net Amount	Signature
11	12	13	14	15

and so on.

Signature of the Head of Institution  
By Order

Principal Secy. (Edu.) to the  
Government of H.P

Endst. No. Shiksha-II-Ga(6)-1/98

Dated : Shimla-171002

Copy forwarded to the following for information and necessary action :-

1. The Controller, Printing & Stationery, H.P. Shimla-5 for publication in the Rajpatra, H.P. He is also requested to supply 10 copies of the same to this department for further action immediately.
2. all Administrative Secretaries in H.P.
3. The Director of Education, Secondary/Primary, H.P. Shimla-1
4. All the Deputy Director of Education (all Distt.) in H.P.
5. The Senior Law Officer (English) and (Hindi) in H.P.

Under Secretary (Edu.) to the  
Govt. of Himachal Pradesh

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LIST OF DOCUMENTS/INFORMATION REQUIRED FOR OBTAINING PERMISSION TO GRANT OF NOC TO RUN/ESTABLISH A PRIVATE EDUCATIONAL INSTITUTION.

1. Prescribed Application Fee in the form of a crossed demand draft payable to the Director of Secondary Education, Himachal Pradesh, Shimla-1 as per the details given below :-

i) Middle institutions (Class VI to VIII)	Rs.. 4000/-
ii) High institutions ( Class IX to X)	Rs. 5000/-
iii) High institutions ( Class VI to X)	Rs. 5000/-
iv) Senior Secondary institutions ( +1 & +2)	Rs. 6000/-
v) Senior Secondary institutions (VI to +2)	Rs. 6000/-
vi) Colleges (Higher Education)	Rs. 8000/-
2. Copies of valid land documents i.e. Jamabandi/Tatima etc. which is in the name of Society OR Rent Agreement/Lease deed.
3. The map of the building drawn and attested by at least a diploma holder in civil engineering.
4. A copy of each of the Certificate of Registration, Memorandum of Association and Bye Laws in case the institution is Manages by a Society/Trust/Board and details of Society Members.
5. Fee Structure in Form-III.
6. Extract of expenditure Register (See Rule-6).
7. Salary Register in Form-V.
8. the certificate for which such private educational institution prepares, trains or guides or proposes to prepare, train or guide its students or the certificate, which it grant or confers or proposes to grant to confer.
9. No. of teaching staff and their educational qualifications.
10. Enrolment of students in the private educational institutions and the groups into which they are divided.
11. the sources of income to ensure the financial stability of the private educational institutions and financial status of the institution.
12. The details of equipment, laboratory, library and other facilities for instructions.
13. The amenities available or proposed to be made available to the students i.e. details of playground, drinking water, electricity & toilets etc..
14. Details of institutions (Govt./N-Govt.) within the 5 Kms radius.

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