

**(Authoritative English Text of this Department notification number EDN-A-Ka(3)-1/2011
Dated 19-05-2011 as required under article 348(3) of the Constitution of India.)**

**Government of Himachal Pradesh
Department of Higher Education**

No.EDN-A-Ka(3)-1/2011

Dated Shimla-2, the

19-05-2011

NOTIFICATION

In exercise of powers conferred by section 18 of the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act 2010 (Act No 15 of 2011), the Governor, Himachal Pradesh is pleased to make the following rules for carrying out the purposes of the said Act, namely:-

1. Short title and commencement.- (1) These rules may be called the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Rules, 2011.

(2) They shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh.

2. Definitions.- (1) In these rules unless the context otherwise requires,-

- (a) "Act" means the Himachal Pradesh Private Educational Institutions (Regulatory Commission) Act, 2010 (Act No.15 of 2011);
- (b) "Chairperson" means the Chairperson of the Himachal Pradesh Private Educational Institutions Regulatory Commission;
- (c) "Department of Higher Education" means the department of Higher Education, Himachal Pradesh;
- (d) "fee" means the total fee and fund under any name charged by the private educational institutions / universities as tuition and all other fees, institutional development fund, caution money and hostel charges etc.;
- (e) "Form" means a form appended to these rules;
- (f) "Government" means the Government of Himachal Pradesh;
- (g) "Governor" means Governor of Himachal Pradesh;
- (h) "State" means the State of Himachal Pradesh; and
- (i) "the total monthly emoluments" means emoluments as specified by the Government from time to time.

(2) All other words and expressions used in these rules but not defined shall have the same meanings as have been respectively assigned to them in the Act.

3. Terms and Conditions of service of Chairperson and members.- (1) The Chairperson and members shall receive pay and allowances as admissible to the Principal Secretary and Secretary respectively to the Government from time to time.

(2) If the Chairperson or a member, at the time of appointment is a person who has retired from the service of the Government, a Local Body, a University or any other body wholly or substantially owned or controlled by the Government he shall be entitled to get such total monthly emoluments as last drawn, reduced by the amount of pension (including commuted portion of pension), if any and excluding pension equivalent to DCRG. He will however, be entitled to draw the full amount of pension, if any in addition.

(3) The Chairperson and members shall be entitled to the residential accommodation at headquarters of the Commission, if available in general pool, equivalent to that as admissible to Principal Secretary and Secretary to the Government of Himachal Pradesh, respectively.

(4) The Chairperson and members shall be entitled to House Rent allowance(HRA) admissible as per Government of Himachal Pradesh rules regarding House Rent Allowance for the time being in force and applicable to the Principal Secretary and Secretary to the Government of Himachal Pradesh, respectively alongwith telephone with STD facilities in the office and residence.

(5) The Chairperson and the members shall be entitled to such Traveling Allowance and Daily Allowance as are admissible to the Principal Secretary and Secretary of the Government, respectively.

(6) The Chairperson and the members shall be entitled to such medical benefits, leave and LTC as are admissible to the Principal Secretary and Secretary of the Government, respectively.

(7) In respect of any other matter pertaining to service conditions for which there is no provision in these rules the Chairperson and other members of the Commission shall be governed by the specific orders of the State Government.

4. Terms and Conditions of officers and other employees of the Commission.- (1) The staff of the Commission shall consist of a Secretary and such number of other officers and employees as the Government may determine from time to time.

(2) The Secretary shall be a person in government service not below the rank of Deputy Secretary of State Government or an educationist in Government Service not below the rank of Principal of Government College and shall be appointed by the Government, in consultation with the Commission.

(3) The service conditions of the Secretary shall be the same as in his parent department of the Government.

(4) Initially the staff of the Commission shall be appointed on secondment basis or through contract appointment, as per terms and conditions of the existing staff of department of Higher Education till the Recruitment and Promotion Rules/Regulations are framed by the Commission in consultation and with the approval of the Government.

5. Functions of Commission.- (1) The Regulatory Commission shall perform all functions as laid down in section 9 of the Act as well as such other functions as may be deemed fit to achieve the objectives laid down in section 9 of the Act. The Commission shall ensure due admission procedure of students, framing of syllabus, academic calendar, good standard of teaching, setting of papers, conduct of examinations, method of internal evaluation, evaluation of final examination, declaration of the result and award of degree/diploma/certificate in accordance with Act and rules and provisions governing private and affiliating University.

(2) Other such matters concerning the Private Universities and Private Institutions of Higher Education not covered under sub-rule (1) may be referred to the Government.

6. Amount of penalty to be imposed.- (1) The Commission shall be empowered to impose penalty on the Private Educational Institutions and Universities as per provisions laid down in section 11 of the Act and the minimum penalty shall be as follows :-

(a) **Admission.-** If the admission of the student is done in violation of section 9 of the Act, penalty shall be twice the amount of actual fee charged by the Private Educational Institutions from such student.

- (b) **Deviation of fee charged from the student.**- In case any admitted student is charged fee in excess of the amount fixed and approved by the Government / Competent Authority, under the provisions of an Act, the penalty shall be three times the actual amount charged from the student over and above the specified fee.
- (c) **Qualification of teachers.**- In case a teacher is appointed who does not fulfill the qualification as specified by the Regulatory body then penalty of ` 20,000/- per month per such (unqualified) teacher, shall be imposed on the Institution.
- (d) **Shortage of the teachers.**- If the number of teachers appointed to teach a course is not as per the requirement specified by the Regulatory body then penalty of ` 20,000/- per month per shortfall of teacher shall be imposed on the Institution. After three months the rate of the penalty shall be doubled.
- (e) **Examination.**- Any degree/diploma/ certificate awarded to a student without the proper conduct of examination and evaluation shall invoke a penalty of ` 25 lakh per student.
- (f) **Infrastructure.**- If the infrastructure of the institution is found short of the norms set for infrastructure by the Regulatory body or the Government, the penalty at the rate of ` 2 lakh per month shall be charged till such time the deficiency is made good and its compliance reported to the Commission.
- (g) **Distance Education Mode or Extension Centres.**- If an educational institution starts any distance education programme or its extension centre without the prior approval of the Government and also of the regulatory body, a penalty of ` 10 lakh per month shall be imposed, till discontinuation of the same.
- (h) **All other remaining issues and matters.**- On other issues, not covered under clauses (a) to (g) of this rule, projecting any kind of violations of the provisions of the Act and these rules, penalty shall be imposed at the rates as may be deemed fit by the Commission, but in no case the penalty shall be more than the maximum penalty provided under the Act.

(2) The Commission before imposing any penalty shall give an opportunity to the concerned Institution to present and defend its case, and then pass a reasoned order for imposing the penalty.

(3) The Commission shall be empowered to impose maximum penalty on any of the issues and matters covered under clauses (a) to (h) of sub-rule (1) of this rule in accordance with the provisions of section 11 of the Act.

7. Operation of the Fund.- (1) The Fund established under section 8 shall be operated by the Commission through its Secretary or the designated officer of the Commission.

(2) The Commission shall make available the specimen signatures of the authorized signatories to the nominated bank for their information and for operation of the Himachal Pradesh Private Educational Institutions Regulatory Commission Fund Account.

(3) The grants or loans allocated by the Government under budgetary provisions shall be arranged to be drawn and deposited into the Fund by the Drawing and Disbursing Officer.

(4) The Commission shall utilize the fund for meeting expenses required in connection with the discharge of its functions under section 9 of the Act and also for meeting objects and the purposes authorized by the Act.

(5) All funds received shall be paid into the Commission's account in the bank/banks and shall not be withdrawn except on presentation of a cheque signed by the officers authorized by the Commission.

(6) The designated officer shall be responsible for monitoring the proper transactions of receipts and payments on behalf of the Commission.

(7) The designated officer shall be responsible to ensure that the amount of cheques/demand drafts deposited in the accredited banks have been timely credited in the account of the Commission and shall also reconcile the receipts and payments account every quarter with them.

8. Mode of authentication of order/decisions.- All the orders, decisions and instruments issued by the Commission shall be authenticated by the signature of the Chairperson, Secretary, or by the signature of any person authorized under the regulations of the Commission.

9. Finance and Accounts.- (1) The Commission shall maintain its accounts on the principle of double entry system in Forms A, B and C. The Commission shall maintain cash book, ledger and shall prepare annual balance sheet and other such relevant and essential financial records as required under the law.

(2) The accounts of the Commission shall be authenticated by the Chairperson, the Secretary and the Drawing and Disbursing Officer of the Commission.

10. Annual Report.- The Commission shall prepare and submit the annual report to the Government as required under the provision of section 13 of the Act, giving true and full account of the activities undertaken during the previous year, in the format and structure to be specified by the Commission, taking into the consideration the following index/contents:-

- (a) Introduction.
- (b) Organization of the Commission.
- (c) Role and responsibilities of the Commission.
- (d) Implementation of the Act and orders issued by the Commission thereunder.
- (e) Penalties imposed and amount recovered from various defaulting institutions.
- (f) Other observations and recommendations.
- (g) Accounts of the Commission in brief, showing receipts and expenditure.
- (h) Annexure.

11. Temporary association of persons with the Commission for particular purpose.- (1) The Commission may associate with itself or invite any person whose assistance or advice it may require in carrying out any of the provisions of the Act or rules made thereunder.

(2) A person associated or invited by the Commission under sub-rule(1), to take part in any meeting of the Commission, shall have no right to vote in the meeting of the Commission.

(3) A person associated with or invited by the Commission for the purpose in accordance with sub-rule (1) shall be paid TA / DA and sitting fee / honorarium as per the regulations.

12. Right to Appeal.- Any person aggrieved by the order / decisions of the Commission may file Civil Writ Petition before the High Court of Himachal Pradesh.

Form-C
(See rule 9)

FORM OF FINANCIAL STATEMENTS (NON-PROFITABLE ORGANISATIONS)

NAME OF THE ENTITY: HIMACHAL PRADESH PRIVATE EDUCATIONAL
INSTITUTIONS (REGULATORY COMMISSION)

BALANCE SHEET

FOR THE PERIOD/YEAR ENDED _____

CORPUS/CAPITAL FUND AND LIABILITIES	Schedule	Amount (in Rs.)
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
ASSETS		
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

By Order

**Principal Secretary(Education)to the
Government of Himachal Pradesh.**

Endst. No. EDN-A-Ka (3)-1/2011- Shimla-171002, the

19-05-2011

Copy for information and necessary action to:-

1. The Secretary to the Governor, Himachal Pradesh, Shimla.
2. The Principal Secretary to the Chief Minister, Himachal Pradesh, Shimla.
3. The Pvt. Secretary to the Education Minister, Himachal Pradesh, Shimla-2
4. All the Principal Secretaries/Secretaries to the Government of Himachal Pradesh.
5. The Secretary, HP Vidhan Sabha, Shimla-4.
6. The Secretary, University Grants Commission, Bahadur Shah Zafar Marg, New Delhi.
7. The Registrar, Himachal Pradesh University, Summer Hill, Shimla-5.

8. The Registrar, Yashwant Singh Parmar Horticulture and Forestry Uni., Nauni, Solan, HP.
9. The Registrar, CSK Krishi Vishva Vidyalaya, Palampur, Distt. Kangra, HP.
10. The Director of Higher Education, HP, Shimla-01.
11. The Director of Elementary Education, HP Shimla-01.
12. The Controller, Printing & Stationery, H.P., Shimla-5 with the request to publish this notification in Rajpatra (extra-ordinary).
13. The Guard File.

**Addl. Secretary (Hr.Edu.) to the
Government of Himachal Pradesh.**
