

Bill No. LIX of 2007

THE COACHING CENTRES (REGULATION AND CONTROL)
BILL, 2007

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BILL

to provide for regulation and control of coaching centres providing coaching for various kind of entrance examinations for higher educational and professional course including medical and engineering education and for jobs in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Coaching Centres (Regulation and Control) Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the State Government and the Central Government in all other cases;

(b) “competent authority” means any office or officer notified by the appropriate Government under Section 4 to perform functions assigned under this Act;

(c) “Coaching Centre” means any institution by whatever name called providing coaching or giving guidance for admission into higher education or any professional course including engineering or medical or for appearing in any examination conducted by appropriate Government or any private institution for the purpose of securing jobs;

(d) “prescribed” means prescribed by rules made under this Act.

Compulsory registration of Coaching Centres.

3. (1) With effect from such date as the Central Government may by notification in the Official Gazette appoint, no person or establishment shall run a coaching centre without prior registration with the competent authority.

(2) Any person or establishment running a coaching centre before the commencement of this Act shall apply to the competent authority within a period of thirty days from the date of commencement of this Act in such form and manner as may be prescribed.

Procedure for registration.

4. (1) The appropriate Government shall, by notification in the Official Gazette, appoint a competent authority for the purposes of registration of coaching centers in each district with in its jurisdiction.

Provided that the appropriate Government depending upon the size and population of the district may appoint one authority for two or more districts.

(2) On receipt of an application for registration of coaching centre, the competent authority shall scrutinize the application and may call for such other information or document from the applicant as may be prescribed.

(3) The competent authority shall before registering any coaching centre, inspect the site of the centre to have the first hand information of the infrastructure available with the coaching centre and the compliance of the norms and standards fixed by the appropriate Government in this regard.

(4) The competent authority shall after being satisfied with the various requirements under this Act grant a registration certificate to the applicant in such manner and form as may be prescribed which shall be valid for three years.

(5) The competent authority may renew the certificate only after re-inspecting the coaching centre and fulfillment of requirements fixed in this behalf by the appropriate Government under this Act.

(6) The competent authority may refuse to register a coaching centre or renew its certificate if the Centre fails to comply with the norms and standards fixed by the appropriate Government.

Provided that in case of non-registration or non-renewal of certificate of a coaching centre, the competent authority shall record reasons in writing and communicate the same to the applicant.

(7) The competent authority shall take a decision on the application filed under sub-section (2) within a period of thirty days.

Appropriate Government to prescribe norms for coaching centres.

5. The appropriate Government shall,—

(a) fix the fee to be charged by the coaching centres for various programmes;

(b) prescribe minimum qualification for the faculty members for different courses;

(c) fix the teacher-student ratio for every coaching centre;

(d) lay down norms for minimum infrastructure for starting and running coaching centre;

(e) prescribe such other norms as may be necessary for the purpose.

6. Whoever contravenes the provisions of this Act and the rules made thereunder shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to twenty five lakh rupees. Penalty.

7. (1) Where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly. Offences by a Company.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place 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 also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation:—For the purpose of this section:—

(i) “company” means anybody corporate and include a firm or other association of individuals; and

(ii) “director”, in relation to a firm, means a partner in the firm,

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

9. The provisions of this act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of the Act shall be in addition to and not derogation of any other law for the time being in force. Overriding effect of the Act.

10. The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Coaching Centres providing coaching to students for cracking various competitive examinations such as engineering, medical and civil services are doing big business now-a-days. Of late, their number has also increased to a very high level. Newspapers are full of advertisements of these coaching centres in order to attract maximum students. These centres charges a very hefty amount for various kinds of coaching programmes being run by them. Though there is no doubt that there are some very good coaching centres but many of these centres are fly by night operator who charge heavy money as fee but do not provide proper coaching nor do they have proper infrastructure for the purpose. These Coaching Centres fleece the students and their parents by giving lucrative offers for joining them. Similar is the case with the coaching centres providing coaching to lakhs of aspirants for various jobs in Government and Private Sector. As of now there is no law to regulate the functioning of these coaching centres.

Some of these centres are actually playing with the fate of lakhs of youth of the country. Therefore, time has come to regulate and control their activities in order to protect the interest of students aspiring to become professionals or secure jobs.

Hence this Bill.

MAHENDRA MOHAN

FINANCIAL MEMORANDUM

Clause 4 of Bill provides that the appropriate Government shall appoint competent Authority for the purposes of registration of coaching centres. The expenditure in respect of Union Territories shall be borne by the Central Government. It is expected that an annual recurring expenditure of rupees two hundred crore may be involved.

Non-recurring expenditure to the tune of rupees two crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **10** of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is therefore of normal character.

RAJYA SABHA

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(Shri Mahendra Mohan, M.P.)