

 PRS

The Uttar Pradesh Regulation of Coaching Act, 2002

Act 5 of 2002

Keyword(s):

Affiliated College, Associated College, Coaching, Coaching Centre, Competent Officer, Constituent College, Counselling

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

No. 1629 (2)/XVII-V-1-1(KA)-16-2002

Dated Lucknow, September 4, 2002

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Coaching Viniyaman Adhiniyam, 2002 (Uttar Pradesh Adhiniyam Sankhya 5 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 3, 2002.

THE UTTAR PRADESH REGULATION OF COACHING ACT, 2002

(U.P. ACT NO. 5 OF 2002)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to provide for restriction on coaching under certain circumstances, and for the registration of the person imparting coaching, or running, managing or maintaining coaching centre, and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Fifty-third Year of the Republic of India as follows :-

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Regulation of Coaching Act, 2002.

(2) It shall be deemed to have come into force on June 27, 2002.

Definitions

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

(a) 'affiliated college' means a college affiliated to a University ;

(b) 'associated college' means a college associated with a University ;

(c) 'Board' means —

(i) the Board of High School and Intermediate Education constituted, under the Intermediate Education Act, 1921 ;

(ii) the Uttar Pradesh Board of Basic Education constituted under the Uttar Pradesh Basic Education Act, 1972 ; or

(iii) the Uttar Pradesh Pravidhik Shiksha Parishad established under the Uttar Pradesh Pravidhik Shiksha Adhniyam, 1962 ;

(d) 'coaching' means tuition, instruction or guidance in any branch of learning imparted to three or more persons but does not include a counselling ;

(e) 'coaching centre' means a place maintained reserved or arranged for the purposes of coaching but does not include, —

(i) an institution ;

(ii) any other school or college recognised, maintained or established by or under any law for the time being in force ;

(iii) an institute or academy, by whatever name called, providing instruction in fine arts, information technology, computer science, typewriting, stenography or any other technical education of like nature ;

(f) 'Competent Officer' means an officer authorised by the State Government by notification to exercise the powers and perform the functions of the competent officer under this Act for such area or in relation to such institution or coaching centre as may be specified in the notification ;

(g) 'constituent college' means a college maintained by a University ;

(h) 'counselling' means an occasional instruction or guidance in any branch of learning by a teacher or employee but does not include instruction or guidance on regular basis in lieu of a remuneration ;

(i) 'employee' means an employee of an institution :

(j) 'institution' means a University, an affiliated college, an associated college, a constituent college or any other educational institution recognised or controlled by, or affiliated to, a Board, or controlled or recognised by the State Government :

(k) 'teacher', in relation to an institution, means a person employed by the institution for imparting instruction or guiding or conducting research in any branch of learning and includes the Principal, the Director or the Head Master, as the case may be, of the institution :

(l) 'University' means a University established by or under any Uttar Pradesh Act.

3. (1) Where a person, not being a teacher or employee, desires to impart coaching or to establish, run, manage or maintain a coaching centre, he may apply to the Competent Officer for registration for the purpose of this Act :

Registration of
Coaching

Provided that any person imparting coaching, or running, managing or maintaining any coaching centre from before the commencement of this Act may apply for registration within three months from the date of such commencement.

(2) The application for registration under sub-section (1) shall be in such form and shall contain such particulars and shall be accompanied by a deposit of such fee, which shall be paid in such manner, as may be prescribed.

(3) The Competent Officer shall, after satisfying himself that the application for registration is in conformity with the requirements of sub-section (2) and the person applying for the registration has fulfilled the conditions specified in section 4, register him in the register prescribed for the purpose and issue him a certificate of registration in the prescribed form :

Provided that no order refusing the registration under this sub-section shall be passed except after giving to the person concerned an opportunity of showing cause.

(4) The certificate of registration issued under sub-section (3) shall be valid unless cancelled or suspended under this Act.

4. No person shall be registered under section 3 unless he undertakes in writing not to engage or employ any teacher or employee of an institution for the coaching.

Conditions for
registration

5. (1) The Competent Officer may, at any time, for sufficient cause cancel or suspend a certificate or registration granted under section 3 :

Cancellation and
suspension of
registration

Provided that no order under this sub-section shall be passed, —

(a) except after giving to the person concerned an opportunity of showing cause ; and

(b) unless it appears to the Competent Officer that the person concerned has violated the condition specified in section 4.

(2) Where any certificate of registration is suspended or cancelled under sub-section (1), no person shall be entitled to any compensation or to refund of any registration fee.

6. Any person aggrieved by an order passed under section 5, may, within thirty days from the date of such order, prefer an appeal against the order to the State Government, which may, after giving an opportunity of hearing to the appellant, pass such orders as it thinks fit.

Appeal

7. (1) No person, not being a teacher or employee, shall,—

(a) impart coaching with or without remuneration ;

(b) establish, run, manage or maintain or cause to be established, run, managed or maintained any coaching centre;

unless he holds a valid certificate or registration issued under section 4.

Restrictions on
coaching

(2) No teacher or employee shall,—

(a) impart coaching in a coaching centre or any other place, other than the institution in which he is for the time being employed ;

(b) establish, run, manage or maintain or cause to be established, run, managed or maintained any coaching centre; or

(c) accept any remuneration or fee, other than his legal remuneration as teacher or employee, as the case may be.

Inspection

8. (1) The Competent Officer may inspect any records of a coaching centre.

(2) The owner or the person incharge of a coaching centre shall produce before the Competent Officer such records as may be required by the Competent Officer during the inspection.

(3) The Competent Officer shall, after making the inspection under this section, prepare a report showing the defects or irregularities, if any, noticed by him during the inspection and forward a copy thereof to the owner or the person incharge of the coaching centre and the State Government.

(4) Upon receiving the report under sub-section (3), the owner or the person incharge of the coaching centre shall rectify the defects or irregularities mentioned in such report within the time fixed by the Competent Officer for the purpose.

Penalties

9. (1) Whoever wilfully contravenes, or abets the contravention of, the provisions of sub-section (1) of section 7 shall be punished with fine which may extend to one lakh rupees.

(2) Whoever wilfully contravenes, or abets the contravention of, the provisions of sub-section (2) of section 7 shall be punished with fine which may extend to fifty thousand rupees.

(3) Whoever wilfully contravenes, or abets the contravention of, the provisions of sub-section (4) of section 8 shall be punished with fine which may extend to ten thousand rupees.

(4) No court shall take cognizance of an offence punishable under this section except on a complaint in writing made by the Competent Officer or by such other officer as the State Government may, by notification, authorize in this behalf.

Competent Officer
to be public
servant

10. The Competent Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Protection of
action taken in
good faith

11. No suit, prosecution or other legal proceeding shall lie against the Competent Officer, the State Government or any other person for anything which is in good faith done or intended to be done, in pursuance of this Act or the rules or order made thereunder.

Offences by
companies

12. (1) If the person committing an offence under this Act is a company, the company, as well as every person incharge of and responsible to the company for the conduct of its business at the time of the commission of the offence 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 exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, secretary, manager or other officer of the company, such director, secretary, manager or other

