

THE TAMIL NADU PRIVATE COLLEGES (REGULATION) ACT, 1976

(President's Act 19 of 1976)

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**THE TAMIL NADU PRIVATE COLLEGES
(REGULATION) ACT, 1976
(President's Act 19 of 1976)**

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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

(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 its 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

selection list within one week after the last date of receipt of applications is over. The approved selection list will be displayed on the notice board of the college. A copy of the approved list shall be sent to the Joint Director of Collegiate Education of the Region concerned for scrutiny. Based on the approval, the Principal concerned shall issue admission cards.

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.— (1) The application form for admission of students shall be in the form approved by the Director and shall be submitted in duplicate.

(2) The cost of application form shall be fixed by the Government from time to time.

(3) The Director shall announce the date for issue of applications and fix the last date for receipt of filled-in applications in the college every year.

(4) The application for admission to the fifty per cent of the seats to be filled according to reservation as mentioned in rule 25 in unaided Arts and Science Colleges shall be made to the college concerned with a copy marked to the Joint Director of Collegiate Education of the Region concerned.

(5) The receipt of filled-in applications shall be acknowledged by the college in a tear-off acknowledgement form.

(6) After the last date for receipt of filled in applications is over, the Principal of the unaided Arts and Science College shall tabulate the applications and prepare a list of eligible candidates.

(7) The above list of eligible candidates shall be placed before the Selection Committee.

(8) There shall be a separate Selection Committee for each college.

(9) The Selection Committee shall consist of the Joint Director of Collegiate Education of the Region concerned as Chairman, Principal of the college concerned as Member-Secretary, two Senior Lecturers from the same college and one Co-opted member of the teaching staff of that college or from any Government college to be nominated by the Joint Director of the Collegiate Education, belonging to Scheduled Castes or Scheduled Tribes as members of the Selection Committee.

(10) The Selection Committee shall meet at the headquarters of the Joint Director of Collegiate Education of the Region concerned or at the Principal's office or at mutually convenient place immediately after the last date of receipt of filled-in applications is over and finalise the selection list based on the reservation as mentioned in rule 25 for the above fifty per cent seats and release the selection list within one week. The list shall be published simultaneously both at the office of Joint Director of Collegiate Education of the Region concerned and at the college. The selected applicant shall be intimated the last date for admission by registered post.

(11) The Principal shall admit the students as per the selection list. If there is any vacancy after the last date for admission, then the Selection Committee shall meet again and release the second selection list and if necessary, release third selection list and the additional seats, if any, increased in a particular academic year shall be filled by the Principal on merit basis following reservation as mentioned in rule 25.]

ANNEXURE I

[See sub-rule (1) of rule 12 of the Tamil Nadu
Private Colleges (Regulation) Rules, 1976]

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

(1) Every teacher or other person employed in a college shall discharge his duties efficiently and diligently and shall conform to the rules and regulations.

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"1(A) It shall be the duty of a teacher or other person employed in a private college to do any work in connection with an examination conducted by the University or any college, which he is required to do by the Vice-Chancellor or the Registrar of the University/by the Principal of the College, as the case may be."

✓ (2) No teacher or other person employed in a college shall absent himself from his duties without prior permission. In case of sickness or absence on medical grounds, a medical certificate to the satisfaction of the college authorities shall be produced within a week.

(3) No teacher or other person employed in a college shall engage directly or indirectly in any trade or business. In the case of remunerative work like private tuition, etc., specific sanction of the college authorities in writing shall be obtained.

(4)(a) No teacher or other person employed in a college shall send any application for employment under any other agency, except through the committee.

(b) The committee shall not withhold any such application. It shall, however, be open to the committee to prescribe reasonable conditions for relieving him.

(5) When a teacher or other person employed in a college seeks to accept honorary work without detriment to his duties prior permission of the committee in writing shall be obtained.

* (6) A teacher or other person employed in a college, when involved in criminal proceedings, shall inform the committee of such proceedings.

(7) No teacher or other person employed in a college shall engage himself in any political activity. He shall not associate with any political party or any organisation which takes part in 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].

*[Substituted by G.O. Ms. No.1690, Education, dated 21.10.1986]

✓ (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.