THE DELHI SCHOOL EDUCATION ACT, 1973

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

ESTABLISHMENT, RECOGNITION, MANAGEMENT OF, AND AID TO, SCHOOLS

3. Power of Administrator to regulate education in schools.
4. Recognition of schools.
5. Scheme of management.
6. Aid to recognised schools.

CHAPTER III

SCHOOL PROPERTY

7. School property.

CHAPTER IV

TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES OF RECOGNISED PRIVATE SCHOOLS

8. Terms and conditions of service of employees of recognised private schools.
9. Employees to be governed by a Code of Conduct.
10. Salaries of employees
11. Tribunal.
12. Chapter not to apply to unaided minority school.

CHAPTER V

PROVISIONS APPLICABLE TO UNAIDED MINORITY SCHOOLS

13. Power to prescribe minimum qualifications for recruitment.
14. Power to prescribe Code of Conduct.
15. Contract of service.

CHAPTER VI

ADMISSION TO SCHOOLS AND FEES

16. Admission to recognised schools.
17. Fees and other charges.
18. School Fund.
19. Affiliations.

CHAPTER VII

TAKING OVER THE MANAGEMENT OF SCHOOLS

20. Taking over the management of schools.
21. Section 20 not to apply to minority schools.

IndiaCode

CHAPTER VIII

MISCELLANEOUS

SECTIONS

22. Delhi Schools Education Advisory Board.
23. Delegation of powers.
24. Inspection of schools.
25. Jurisdiction of civil courts barred.
26. Protection of action taken in good faith.
27. Liability of manager to punishment.
28. Power to make rules.
29. Power to remove difficulties.

IndiaCode

THE DELHI SCHOOL EDUCATION ACT, 1973

ACT NO. 18 OF 1973

[9*th April*, 1973.]

An Act to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Delhi School Education Act, 1973.

(*2*) It extends to the whole of the Union territory of Delhi.

(*3*) It shall come into force on such date as the Administrator may, by notification, appoint and different dates[1] may be appointed for different provisions of this Act, and any reference to the commencement of this Act in relation to any provision thereof shall be construed as a reference to the date on which that provision comes into force.

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

(*a*) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

(*b*) "Advisory Board" means the Board referred to in section 22;

(*c*) "aid" means any aid granted to a recognised school by the Central Government, Administrator, a local authority or any other authority designated by the Central Government, Administrator or a local authority;

(*d*) "aided school" means a recognised private school which is receiving aid in the form of maintenance grant from the Central Government, Administrator or a local authority or any other authority designated by the Central Government, Administrator or a local authority;

(*e*) "appropriate authority" means,—

(*i*) in the case of a school recognised or to be recognised by an authority designated or sponsored by the Central Government, that authority;

(*ii*) in the case of a school recognised or to be recognised by the Delhi Administration, the Administrator or any other officer authorised by him in this behalf;

(*iii*) in the case of a school recognised or to be recognised by the Municipal Corporation of Delhi, that Corporation;

(*iv*) in the case of any other school, the Administrator or any other officer authorised by him in this behalf;

(*f*) "Delhi" means the Union territory of Delhi;

(*g*) "Director" means the Director of Education, Delhi, and includes any other officer authorised by him to perform all or any of the functions of the Director under this Act;

(*h*) "employee" means a teacher and includes every other employee working in a recognised school;

---

1. 28th April, 1973, *vide* notification of the Delhi Administration in the Education Deptt. No. F. 5/15/72-Education dated 28th April, 1973, in respect of the provisions except Chapters II to V (both inclusive), sections 16, 17, 18, 22 and 27).

31st December, 1973, *vide* notification No. F. 5/15/72-Education (i), dated 31st December, 1973, Delhi Gazette, Extraordinary, Pt. IV, dated 31st December, 1973, in respect of Chapters II to V (both inclusive), sections, 16, 17, 18, 22 and 27,

IndiaCode

(*i*) "existing employee" means an employee of an existing school who is employed in such school immediately before the commencement of this Act, and includes an employee who was employed in such school for a period of not less than twelve months immediately preceding the 2nd day of September, 1972;

(*j*) "existing school" means a recognised private school which is in existence at the commencement of this Act;

(*k*) "Head of school" means the principal academic officer, by whatever name called, of a recognised school;

(*l*) "local authority" means,—

(*i*) in relation to an area within the local limits of the Municipal Corporation of Delhi, that Corporation;

(*ii*) in relation to an area within the local limits of the New Delhi Municipal Committee, that Committee;

(*iii*) in relation to an area within the local limits of the Delhi Cantonment Board, that Board;

(*m*) "manager", in relation to a school, means the person, by whatever name called, who is entrusted, either on the date on which this Act comes into force or, as the case may be, under a scheme of management made under section 5, with the management of the affairs of that school;

(*n*) "managing committee" means the body of individuals who are entrusted with the management of any recognised private school;

(*o*) "minority school" means a school established and administered by a minority having the right to do so under clause (1) of article 30 of the Constitution;

(*p*) "notification" means a notification published in the Official Gazette;

(*q*) "prescribed" means prescribed by rules made under this Act;

(*r*) "private school" means a school which is not run by the Central Government, Administrator, a local authority or any other authority designated or sponsored by the Central Government, Administrator or a local authority;

(*s*) "public examination" means an examination conducted by the Central Board of Secondary Education, Council for Indian School Certificate Examinations or any other Board which may hereafter be established for the purpose, and recognised by the Administrator or any other officer authorised by him in this behalf;

(*t*) "recognised school" means a school recognised by the appropriate authority;

(*u*) "school" includes a pre-primary, primary, middle and higher secondary school, and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education;

(*v*) "school property" means all movable and immovable property belonging to, or in the possession of, the school and all other rights and interests in, or arising out of, such property, and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipment, utensils, cash, reserve funds investments and bank balances;

(*w*) "teacher" includes the Head of a school;

(*x*) "unaided minority school" means a recognised minority school which does not receive any aid.

CHAPTER II

ESTABLISHMENT, RECOGNITION, MANAGEMENT OF, AND AID TO, SCHOOLS

3. Power of Administrator to regulate education in schools.—(*1*) The Administrator may regulate education in all the schools in Delhi in accordance with the provisions of this Act and the rules made thereunder.

(*2*) The Administrator may establish and maintain any school in Delhi or may permit any person or local authority to establish and maintain any school in Delhi, subject to compliance with the provisions of this Act and the rules made thereunder.

(*3*) On and from the commencement of this Act and subject to the provisions of clause (1) of article 30 of the Constitution, the establishment of a new school or the opening of a higher class or the closing down of an existing class in any existing school in Delhi shall be subject to the provisions of this Act and the rules made thereunder and any school or higher class established or opened otherwise than in accordance with the provisions of this Act shall not be recognised by the appropriate authority.

4. Recognition of schools.—(*1*) The appropriate authority may, on an application made to it in the prescribed form and in the prescribed manner, recognise any private school:

Provided that no school shall be recognised unless—

(*a*) it has adequate funds to ensure its financial stability and regular payment of salary and allowances to its employees;

(*b*) it has a duly approved scheme of management as required by section 5;

(*c*) it has suitable or adequate accommodation and sanitary facilities having regard, among other factors, to the number, age and sex of the pupils attending it;

(*d*) it provides for approved courses of study and efficient instruction;

(*e*) it has teachers with prescribed qualifications; and

(*f*) it has the prescribed facilities for physical education, library service, laboratory work, workshop practice or co-curricular activities.

IndiaCode

(*2*) Every application for recognition of a school shall be entertained and considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of four months from the date of the receipt of the application; and where recognition is not granted, the reasons for not granting such recognition shall also be communicated to the applicant within the said period.

(*3*) Where recognition to a school is refused, any person aggrieved by such refusal may, within thirty days from the date of communication to him, of such refusal, appeal against such refusal, in the prescribed manner, to the prescribed authority and the decision of the prescribed authority thereon shall be final:

Provided that the prescribed authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days, extend, for reasons to be recorded by it in writing, the said period by a further period of sixty days.

(*4*) Where the managing committee of a school obtains recognition by fraud, misrepresentation or suppression of material particulars, or where, after obtaining recognition, the school fails to continue to comply with any of the conditions specified in the proviso to sub-section (*1*), the authority granting the recognition may, after giving the managing committee of the school a reasonable opportunity of showing cause against the proposed action, withdraw the recognition granted to such school under sub-section (*1*).

(*5*) The recognition granted under sub-section (*1*) shall not, by itself, entitle any school to receive aid.

(*6*) Every existing school shall be deemed to have been recognised under this section and shall be subject to the provisions of this Act and the rules made thereunder:

Provided that where any such school does not satisfy any of the conditions specified in the proviso to sub-section (*1*), the prescribed authority may require the school to satisfy such conditions and such other conditions as may be prescribed, within a specified period and if any such condition is not satisfied, recognition may be withdrawn from such school.

(*7*) Every school, whose recognition is withdrawn under sub-section (*4*) or sub-section (*6*), may appeal to the prescribed authority, who shall dispose of the appeal within six months from the date of presentation of the appeal in such manner as may be prescribed, and if the appeal is not disposed of within that period, the order for the withdrawal of recognition shall, on the expiry of the said period of six months, stand cancelled.

(*8*) On hearing an appeal preferred under sub-section (*3*) or sub-section (*7*), the prescribed authority may, after giving the appellant a reasonable opportunity of being heard, confirm, modify or reverse the order appealed against.

5. Scheme of management.—(*1*) Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the managing committee of every recognised school shall make, in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for such school:

Provided that in the case of a recognised private school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed:

Provided further that so much of this sub-section as relates to the previous approval of the appropriate authority, shall not apply to a scheme of management for an unaided minority school.

(*2*) A scheme may be made, in like manner, to add to, vary or modify any scheme made under sub-section (*1*).

6. Aid to recognised schools.—(*1*) The Central Government may, after due appropriation made by Parliament by law in this behalf and subject to such conditions as may be prescribed, pay to the Administrator, for distribution of aid to recognised private schools, not being primary schools recognised by a local authority, such sums of money as that Government may consider necessary:

Provided that no existing school receiving, immediately before the commencement of this Act, aid shall be eligible for the continuance of such aid unless it complies, within such period as may be specified by the Director, with the conditions specified in the proviso to sub-section (*1*) of section 4.

(*2*) The authority competent to grant the aid may stop, reduce or suspend aid for violation of any of the conditions prescribed in this behalf.

(*3*) The aid may cover such part of the expenditure of the school as may be prescribed.

(*4*) No payment, out of the aid given for salary, allowances and provident fund of employees of the school, shall be made for any other purpose.

(*5*) No aid shall be given to a school the management of which has been taken over under section 20.

(*6*) No unrecognised school shall be eligible to receive any aid or any benefit made available to private schools by the Administrator or any agency of the Administrator.

CHAPTER III

SCHOOL PROPERTY

7. School property.—(*1*) The management of every aided school shall furnish to the appropriate authority, initially, at the time of grant of aid and thereafter annually, a statement containing a list of school property together with such particulars as may be prescribed.

(*2*) Notwithstanding anything contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in the rules, shall be made except with the previous permission of the appropriate authority:

Provided that where the appropriate authority omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf, the permission shall, on the expiry of the said period of sixty days, be deemed to have been granted.

indiaCode

(*3*) Any person aggrieved by the grant or refusal of permission under sub-section (*2*) may prefer, in such form and within such time as may be prescribed, appeal to the Administrator against such grant or refusal of permission and the decision of the Administrator thereon shall be final.

(*4*) Any transaction made in contravention of the provisions of sub-section (*2*), or, as the case may be, decision of the Administrator, shall be void.

CHAPTER IV

TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES OF RECOGNISED PRIVATE SCHOOLS

8. Terms and conditions of service of employees of recognised private schools.—(*1*) The Administrator may make rules regulating the minimum qualifications for recruitment, and the conditions of service, of employees of recognised private schools:

Provided that neither the salary nor the rights in respect of leave of absence, age of retirement and pension of an employee in the employment of an existing school at the commencement of this Act shall be varied to the disadvantage of such employee:

Provided further that every such employee shall be entitled to opt for terms and conditions of service as they were applicable to him immediately before the commencement of this Act.

(*2*) Subject to any rule that may be made in this behalf, no employee of a recognised private school shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the Director.

(*3*) Any employee of a recognised private school who is dismissed, removed or reduced in rank may, within three months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the Tribunal constituted under section 11.

(*4*) Where the managing committee of a recognised private school intends to suspend any of its employees, such intention shall be communicated to the Director and no such suspension shall be made except with the prior approval of the Director:

Provided that the managing committee may suspend an employee with immediate effect and without the prior approval of the Director if it is satisfied that such immediate suspension is necessary by reason of the gross misconduct, within the meaning of the Code of Conduct prescribed under section 9, of the employee:

Provided further that no such immediate suspension shall remain in force for more than a period of fifteen days from the date of suspension unless it has been communicated to the Director and approved by him before the expiry of the said period.

(*5*) Where the intention to suspend, or the immediate suspension of, an employee is communicated to the Director, he may, if he is satisfied that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension.

9. Employees to be governed by a Code of Conduct.—Every employee of a recognised school shall be governed by such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct, the employee shall be liable to such disciplinary action as may be prescribed.

10. Salaries of employees.—(*1*) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority:

Provided that where the scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of any recognised private school are less than those of the employees of the corresponding status in the schools run by the appropriate authority, the appropriate authority shall direct, in writing, the managing committee of such school to bring the same up to the level of those of the employees of the corresponding status in schools run by the appropriate authority:

Provided further that the failure to comply with such direction shall be deemed to be non-compliance with the conditions for continuing recognition of an existing school and the provisions of section 4 shall apply accordingly.

(*2*) The managing committee of every aided school shall deposit, every month, its share towards pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits with the Administrator and the Administrator shall disburse, or cause to be disbursed, within the first week of every month, the salaries and allowances to the employees of the aided schools.

11. Tribunal.—(*1*) The Administrator shall, by notification, constitute a Tribunal, to be known as the "Delhi School Tribunal", consisting of one person:

Provided that no person shall be so appointed unless he has held office as a District Judge or any equivalent judicial office.

(*2*) If any vacancy, other than a temporary absence, occurs in the office of the presiding officer of the Tribunal, the Administrator shall appoint another person, in accordance with the provisions of this section, to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(*3*) The Administrator shall make available to the Tribunal such staff as may be necessary in the discharge of its functions under this Act.

(*4*) All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of India.

(*5*) The Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it shall hold its sittings.

(*6*) The Tribunal shall for the purpose of disposal of an appeal preferred under this Act have the same powers as are vested in a court of appeal by the Code of Civil Procedure, 1908 (5 of 1908) and shall also have the power to stay the operation of the order appealed against on such terms as it may think fit.

12. Chapter not to apply to unaided minority school.—Nothing contained in this Chapter shall apply to an unaided minority school.

CHAPTER V

PROVISIONS APPLICABLE TO UNAIDED MINORITY SCHOOLS

13. Power to prescribe minimum qualifications for recruitment.—The Administrator may make rules regulating the minimum qualifications for, and method of, recruitment of employees of unaided minority schools:

Provided that no qualification shall be varied to the disadvantage of an existing employee of an unaided minority school.

14. Power to prescribe Code of Conduct.—Every employee of an unaided minority school shall be governed by such Code of Conduct as may be prescribed.

15. Contract of service.—(*1*) The managing committee of every unaided minority school shall enter into a written contract of service with every employee of such school:

Provided that if, at the commencement of this Act, there is no written contract of service in relation to any existing employee of an unaided minority school, the managing committee of such school shall enter into such contract within a period of three months from such commencement:

Provided further that no contract referred to in the foregoing proviso shall vary to the disadvantage of any existing employee the term of any contract subsisting at the commencement of this Act between him and the school.

(*2*) A copy of every contract of service referred to in sub-section (*1*) shall be forwarded by the managing committee of the concerned unaided minority school to the Administrator who shall, on receipt of such copy, register it in such manner as may be prescribed.

IndiaCode

(*3*) Every contract of service referred to in sub-section (*1*) shall provide for the following matters, namely:—

(*a*) the terms and conditions of service of the employee, including the scale of pay and other allowances to which he shall be entitled;

(*b*) the leave of absence, age of retirement, pension and gratuity, or, contributory provident fund in lieu of pension and gratuity, and medical and other benefits to which the employee shall be entitled;

(*c*) the penalties which may be imposed on the employee for the violation of any Code of Conduct or the breach of any term of the contract entered into by him;

(*d*) the manner in which disciplinary proceedings in relation to the employee shall be conducted and the procedure which shall be followed before any employee is dismissed, removed from service or reduced in rank;

(*e*) arbitration of any dispute arising out of any breach of contract between the employee and the managing committee with regard to—

(*i*) the scales of pay and other allowances,

(*ii*) leave of absence, age of retirement, pension, gratuity, provident fund, medical and other benefits,

(*iii*) any disciplinary action leading to the dismissal or removal from service or reduction in rank of the employee;

(*f*) any other matter which, in the opinion of the managing committee, ought to be, or may be, specified in such contract.

IndiaCode

CHAPTER VI

ADMISSION TO SCHOOLS AND FEES

16. Admission to recognised schools.—(*1*) A child who has not attained the age of five years, shall not be admitted to class I, or an equivalent class or any class higher than class I, in a recognised school.

(*2*) A student seeking admission for the first time in a recognised school in a class higher than class I shall not be admitted to that class if his age reduced by the number of years of normal school study between that class and class I or an equivalent class, falls short of five years.

(*3*) Admission to a recognised school or to any class thereof shall be regulated by rules made in this behalf.

17. Fees and other charges.—(*1*) No aided school shall levy any fee or collect any other charge or receive any other payment except those specified by the Director.

(*2*) Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds.

(*3*) The manager of every recognised school shall, before the commencement of each academic session, file with the Director a full statement of the fees to be levied by such school during the ensuing academic session, and except with the prior approval of the Director, no such school shall charge, during that academic session, any fee in excess of the fee specified by its manager in the said statement.

18. School Fund.—(*1*) In every aided school, there shall be a fund, to be called the "School Fund", and there shall be credited thereto—

(*a*) any aid granted by the Administrator,

(*b*) income accruing to the school by way of fees, charges or other payments, and

(*c*) any other contributions, endowments and the like.

(*2*) The School Fund and all other funds, including the Pupils' Fund, established with the approval of the Administrator, shall be accounted for and operated in accordance with the rules made under this Act.

(*3*) In every recognised unaided school, there shall be a fund, to be called the "Recognised Unaided School Fund", and there shall be credited thereto income accruing to the school by way of—

(*a*) fees,

(*b*) any charges and payments which may be realised by the school for other specific purposes, and

(*c*) any other contributions, endowments, gifts and the like,

(*4*) (*a*) Income derived by unaided schools by way of fees shall be utilised only for such educational purposes as may be prescribed; and

(*b*) charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for the specific purpose for which they were realised or received.

(*5*) The managing committee of every recognised private school shall file every year with the Director such duly audited financial and other returns as may be prescribed, and every such return shall be audited by such authority as may be prescribed.

19. Affiliations.—(*1*) For the purpose of any public examination every recognised higher secondary school shall be affiliated to one or more of the Boards or Council conducting such examination and shall fulfil the conditions specified by the Board or Council in this behalf.

(*2*) The students of recognised higher secondary schools shall be prepared for, and presented to, the public examinations or such other form of evaluation held or made for the students of such schools.

(*3*) The students of every recognised middle school shall be prepared for, and presented to, such public examination as may be held by the Directorate of Education, Delhi, for the students of such schools.

(*4*) Every student of a recognised primary school shall be prepared for, and presented to, the public examination held by a local authority competent to hold such examination for the students of such schools.

CHAPTER VII

TAKING OVER THE MANAGEMENT OF SCHOOLS

20. Taking over the management of schools.—(*1*) Whenever the Administrator is satisfied that the managing committee or manager of any school, whether recognised or not, has neglected to perform any of the duties imposed on it by or under this Act or any rule made thereunder and that it is expedient in the interests of school education to take over the management of such school, he may, after giving the managing committee or the manager of such school, a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years:

Provided that where the management of a school has been taken over for a period of three years or less, the Administrator may, if he is of opinion that in order to secure proper management of the school it is expedient that such management should continue to be in force after the expiry of the said limited period, he may, from time to time, issue directions for the continuance of such management for such period not exceeding one year at a time as he may think fit, so, however, that the total period for which such management is taken over shall not, in any case, exceed five years.

(*2*) Whenever the management of any school is taken over under sub-section (*1*), every person in charge of the management of such school immediately before its management is taken over, shall deliver possession of the school property to the Administrator or any officer authorised by him in this behalf.

(*3*) After taking over the management of any school under this section, the Administrator may arrange to manage the school through the Director or any other person authorised by the Director in this behalf (hereinafter referred to as the "authorised officer").

(*4*) Where the management of any school has been taken over under sub-section (*1*), the managing committee or manager of such school may, within three months from the date of taking over, appeal to the Administrator, who may after considering the representation made by the managing committee or the manager, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Administrator, as he may deem fit.

(*5*) Where the management of a school has been taken over under this section, the Administrator shall pay such rent as may be payable for the building of the school to the person entitled to receive it as was being paid by the managing committee or the manager immediately before the management of such school was taken over.

(*6*) During such period as any school remains under the management of the authorised officer—

(*a*) the service conditions, as approved by the Administrator, of the employees of the school who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage;

(*b*) all educational facilities which the school had been affording immediately before such management was taken over, shall continue to be afforded;

(*c*) the School Fund, the Pupils' Fund and the Management Fund and any other existing fund shall continue to be available to the authorised officer for being spent for the purposes of the school; and

(*d*) no resolution passed at any meeting of the managing committee of such school shall be given effect to unless approved by the Administrator.

21. Section 20 not to apply to minority schools.—Nothing contained in section 20 shall apply to any minority school.

IndiaCode

CHAPTER VIII

MISCELLANEOUS

22. Delhi Schools Education Advisory Board.—(*1*) There shall be an Advisory Board for school education, to be called the "Delhi School Education Advisory Board" for the purpose of advising the Administrator on matters of policy relating to education in Delhi.

(*2*) The Advisory Board shall be constituted by the Administrator and shall consist of a Chairman and fourteen other members, to be nominated by the Administrator.

(*3*) The Advisory Board constituted under sub-section (*2*) shall include—

(*a*) Heads of recognised private schools;

(*b*) representatives of the organisations of teachers of the recognised private schools;

(*c*) managers of the recognised private schools;

(*d*) representatives of parents or guardians of students of recognised private schools; and

(*e*) eminent educationists.

(*4*) The Advisory Board shall regulate its own procedure.

(*5*) The terms of office of every member of the Board and travelling and other allowances payable to a member of the Board shall be such as may be prescribed.

23. Delegation of powers.—(*1*) The Administrator may delegate all or any of his powers, duties and functions under this Act to the Director or any other officer.

(*2*) Every person to whom any power is delegated under sub-section (*1*), may exercise that power in the same manner and with the same effect as if such power had been conferred on him directly by this Act and not by way of delegation.

24. Inspection of schools.—(*1*) Every recognised school shall be inspected at least once in each financial year in such manner as may be prescribed.

(*2*) The Director may also arrange special inspection of any school on such aspects of its working as may, from time to time, be considered necessary by him.

(*3*) The Director may give directions to the manager requiring the manager to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school.

(*4*) If the manager fails to comply with any direction given under sub-section (*3*), the Director may, after considering the explanation or report, if any, given or made by the manager, take such action as he may think fit, including—

(*a*) stoppage of aid,

(*b*) withdrawal of recognition, or

(*c*) except in the case of a minority school, taking over of the school under section 20.

25. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction in respect of any matter in relation to which the Administrator or the Director or any other person authorised by the Administrator or Director or any other officer or authority appointed or specified by or under this Act, is empowered by or under this Act to exercise any power, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

26. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Administrator, Director or any other person authorised by the Administrator or Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

27. Liability of manager to punishment.—If the manager of any recognised private school.—

(*a*) omits or fails, without any reasonable excuse, to carry out any orders made by the Tribunal, or

(*b*) presents any student for any public examination without complying with the provisions of section 19, or

(*c*) omits or fails to deliver any school property to the Administrator or any officer authorised by him under sub-section (*2*) of section 20,

he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

28. Power to make rules.—(*1*) The Administrator may, with the previous approval of the Central Government, and subject to the condition of previous publication, by notification, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which education may be regulated by the Administrator in Delhi;

(*b*) the conditions which every existing school shall be required to comply;

(*c*) establishment of a new school or the opening of a higher class or the closing down of an existing class in an existing school;

(*d*) the form and manner in which an application for recognition of a school shall be made;

(*e*) the facilities to be provided by a school to obtain recognition;

(*f*) the manner in which, and the authority to which, an appeal against the refusal or withdrawal of recognition shall be made;

(*g*) the minimum qualifications for, and method of recruitment, and the terms and conditions of service of employees;

IndiaCode

(*h*) the authorities to be specified for the purposes of the different provisions of this Act;

(*i*) the particulars which a scheme of management shall contain, and the manner in which such scheme shall be made;

(*j*) variations and modifications which may be made in the scheme of management for a recognised school which does not receive any aid;

(*k*) the conditions under which aid may be granted to recognised schools, and on the violation of which aid may be stopped, reduced or suspended;

(*l*) the part of the expenditure of a recognised school which is to be covered by aid;

(*m*) particulars of school property which should be furnished to the appropriate authority;

(*n*) the form in which, and the time within which, an appeal shall be preferred to the Administrator against an order made in relation to the transfer, mortgage or lien of any school property;

(*o*) the Code of Conduct for the employees and the disciplinary action to be taken for the violation thereof;

(*p*) the benefits which should be granted to the employees of recognised private schools;

(*q*) admissions to a recognised school;

(*r*) fees and other charges which may be collected by an aided school;

(*s*) the manner of inspection of recognised schools;

(*t*) the term of office, travelling and other allowances payable to the members of the Advisory Board;

(*u*) financial and other returns to be filed by the managing committee of recognised private schools, and the authority by which such returns shall be audited;

(*v*) educational purposes for which the income derived by way of fees by recognised unaided schools shall be spent;

(*w*) manner of accounting and operation of school funds and other funds of a recognised private school;

(*x*) fees, not exceeding one rupee, for preferring any appeal under this Act;

(*y*) any other matter which is to be, or may be, prescribed under this Act.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annualment shall be without prejudice to the validity of anything previously done under that rule.

29. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

IndiaCode