

(5) Any person aggrieved by an order of the Commissioner made in respect of any property under sub-section (3) or sub-section (4) may prefer an appeal to the District Judge having jurisdiction over the area in which the property is located within a period of thirty days from the date of order.

(6) Notwithstanding anything contained in this Act or in any other law for the time being in force, nothing done or purported to have been done under this section shall be called in question in any Court except as provided under sub-section (5).

**Explanation.-** For the purpose of this section, ‘unauthorised occupation’ means occupation by any person of any property, being the property of the Corporation or where Corporation has any interest in such property, without authority for such occupation and includes the continuance in occupation by any person of such property after the authority, whether by way of lease, mortgage or otherwise, under which he was authorised to occupy such property, has expired.”.

- Section 384.--** For “five hundred rupees” and “fifty rupees”, substitute “two thousand rupees” and “one hundred rupees”, respectively.
- Section 393.--** In sub-section (1), for “one thousand rupees”, substitute “two thousand rupees”.
- Section 395.--** For “Subject to the provisions of this Act” substitute “Subject to the provisions of this Act and the rules made thereunder”.
- Section 413.—** In sub-section (1), for “the Code of Civil Procedure, Svt. 1977” substitute “the Code of Civil Procedure, 1908 (5 of 1908)”.
- Section 414.—** For “the Jammu and Kashmir State Ranbir Penal Code, 1989” substitute “the Indian Penal Code (45 of 1860)”.
- Section 421.—**
- (i) For “The District Planning and Development Board” wherever occurring, substitute “The District Planning Committee”;
  - (ii) omit sub-section (3); and
  - (iii) re-number existing sub-sections (3),(4) and (5) as sub-sections (2) (3) and (4) respectively.

\*\*\*\*\*

### 3. THE JAMMU AND KASHMIR SCHOOL EDUCATION ACT, 2002

#### (XXI of 2002)

Throughout the Act, for “Government Gazette” and “State” substitute respectively “Official Gazette” and “Union territory of Jammu and Kashmir”.

- Section 1. -**
- (i) In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”; and
  - (ii) after sub-section (3), insert
 

“(4) Nothing in this Act shall affect the application of the Right of Children to Free and Compulsory Education Act, 2009”.
- Section 2. -**
- (i) Omit clause (c);
  - (ii) in clause (e), for “District Education Officer” substitute “Chief Education Officer”;
  - (iii) in clause (h), for “Government of Jammu and Kashmir” substitute “Government of the Union territory of Jammu and Kashmir”;
  - (iv) in clause (o), for “State of Jammu and Kashmir” substitute “Union territory of Jammu and Kashmir”.

**Sections 6, 7, 8, 9 and 10.** — Omit.

**Insertion of new section -After section 20, insert-**

<b>Constitution of Fee Fixation and Regulation Committee of private schools.</b>	<p><b>20A.</b>The Government shall constitute a Committee to be known as the “Committee for Fixation and Regulation of Fee of Private Schools” for the purposes of regulating and determining the fee in private schools in the Union territory.</p> <p>(2) The Committee shall be headed by a Chairperson who has been a Judge of a High Court or a Government Officer who has been a Financial Commissioner of the Union territory or above.</p> <p>(3) The members of the Committee shall be such as may be prescribed by the Government.</p> <p>(4) The Chairperson may co-opt any other independent person of repute or a representative of a recognised School Association as an expert member, but the total number of members of the Committee shall not exceed five.</p>
<b>Term of office and other conditions of service of Chairperson.</b>	<p><b>20B.</b>The term of office and other conditions of service of the Chairperson of the Committee for Fixation and Regulation of Fee of Private Schools shall be such as may be prescribed by the Government.</p>
<b>Powers and functions of Committee.</b>	<p><b>20C.</b>(1) Subject to the provisions of this Act or any other law for the time being in force, the Committee for Fixation and Regulation of Fee of Private Schools shall exercise such powers and perform such functions as may be prescribed by the Government to ensure that the private schools are not indulging in commercialisation of education and undue profiteering.</p> <p>(2) The Government may by notification, delegate any of the powers vested in the Committee for Fixation and Regulation of Fee of Private Schools to the Chairperson of the said Committee, to the extent as may be prescribed.</p> <p>(3) Orders passed by the Committee for Fixation and Regulation of Fee of Private Schools shall be deemed to have been duly passed by a public servant and its violation or non-compliance shall amount to disobedience under the provisions of section 188 of Indian Penal Code (45 of 1860).</p>
<b>Determination of fee.</b>	<p><b>20D.</b>(1)The Committee for Fixation and Regulation of Fee of Private Schools shall while determining the fee to be charged by the private schools established after August, 2014 take into account inter alia the location, available infrastructure, expenditure on administration, aid, assistance and support in any form received by the private school from the Government or any other person or agency or any other factors as may be prescribed.</p> <p>(2) The Committee for Fixation and Regulation of Fee of Private Schools may from time to time issue notification for fixing maximum ceiling of the fee to be charged under various categories.</p>
<b>Fee to be charged by private schools.</b>	<p><b>20E.</b>(1) The private schools shall not charge any fee from the students or guardians, except tuition fee, annual fee, transport fee and voluntary special purpose fee such as the picnic, tour and excursions, etc. completely voluntary in nature or any other fee as may be approved by the Committee for Fixation and Regulation of Fee of Private Schools after following the procedure prescribed:</p> <p>Provided that private schools shall not charge in any manner, any other fee including admission fee or any amount, by whatever name called than the fee mentioned above.</p>
<b>Power to call for records.</b>	<p><b>20F.</b>The Committee for Fixation and Regulation of Fee of Private Schools may at any stage call the record of any school for scrutiny if it comes to the conclusion that the private school has violated or is not adhering to its directions.</p>

- Staff of Committee.** **20G.**(1)The Committee for Fixation and Regulation of Fee of Private Schools shall, for the purpose of assisting it in the discharge of its functions, be provided by the Government, such officers and employees as may be determined from time to time by the Government, in consultation with the Chairperson of the Committee.
- (2) All establishment charges of the Committee for Fixation and Regulation of Fee of Private Schools shall be borne by the Government.
- (3) The terms and conditions of service of the officers and employees referred to in sub-section (1) shall be such as may be determined by the Government, from time to time.
- (4) In the discharge of their functions under this Act, the officers and employees referred to in sub-section (1) shall be subject to the exclusive administrative control and direction of the Committee.
- Sub-committees.** **20H.**The Government may constitute such other sub-committees at Divisional or Districts level with such powers and functions as it may deem fit to effectively regulate the fee in private schools.
- Power to make regulations.** **20-I.**The Committee for Fixation and Regulation of Fee of Private Schools may, by notification, make such regulations as it may deem necessary for carrying out the purpose of the said Committee.
- Powers of Civil Court.** **20J.**The Committee for Fixation and Regulation of Fee of Private Schools shall for the purposes of making any inquiry or initiating any proceedings under this Act, have the same powers as are vested in a Civil Court, under the Code of Civil Procedure, 1908(5 of 1908).”

**Section 22. -** Omit.

**For section 25, substitute-**

- Bar of jurisdiction.** **“25.** (1) Notwithstanding anything to the contrary contained in the Code of Civil Procedure, 1908(5 of 1908) or any other law for the time being in force, no court shall grant any injunction or make any interim order restraining any proceedings which is being or is about to be taken under this Act.
- (2) No suit, prosecution or other legal proceedings shall lie against the Chairperson or any member of the Committee for Fixation and Regulation of Fee of Private Schools or any officer or other employee or any person acting under the direction either of the Government or of the said Committee in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules or regulation or orders made thereunder.”.

**For section 27, substitute-**

- Penalties.** **“27.** (1)Whoever contravenes any of the provisions of this Act or rules made thereunder except the violation of directions issued by the Committee for Fixation and Regulation of Fee of Private Schools shall be liable to a fine of not less than fifteen thousand rupees for first offence and fifty thousand rupees for every subsequent offence by the Director School Education concerned.
- (2) Any person or private school which contravenes the directions of the Committee for Fixation and Regulation of Fee of Private Schools shall be liable to a fine of not less than fifty thousand rupees for first offence and one lakh rupees for every subsequent offence including recommendation for disaffiliation of such private school by the said Committee.”.

**Insertion of new section -After section 28, insert—**

**Revision and appeal .** “28 A. (1) Any person aggrieved of any order passed by the authority under sub-section (1) of section 27 may file a revision petition before the Director School Education concerned within a period of thirty days from the date of the order in such form and manner as may be prescribed.

(2) Any person or private school aggrieved by any order made by the Committee for Fixation and Regulation of Fee of Private Schools in exercise of its powers conferred under sub-section (2) of section 27 may prefer an appeal against such order to the common High Court of Jammu and Kashmir within a period of thirty days from the date of the order.”.

**Section 29.—** In sub-section (2), omit clause (g).

\*\*\*\*\*

**4. THE JAMMU AND KASHMIR BOARD OF SCHOOL EDUCATION ACT, 1975**  
(XXVIII of 1975)

**Preamble.—** For “in the State” substitute “in the Union territory of Jammu and Kashmir”.

**Section 1.—** (i) In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”;

(ii) after sub-section (3), insert-

“(4) Nothing in this Act shall affect the application of the Right of Children to Free Education Act, 2009 (35 of 2009)”.

**Section 2. —** (i) For clause (a), substitute —

“(a) “Affiliated” with its grammatical variations and cognate expressions used with reference to an institution means affiliated or deemed to be affiliated to the Board for the purposes of admission to the privileges of the Board;

(aa) “Board” means the Board of School Education established under section 3”;

(ii) for clause (c), substitute -

“(c) “Elementary Education” means education at the elementary stage in a school corresponding to Grades I to VIII as per courses of study prescribed by a competent academic authority;”;

(iii) after clause (d), insert-

“(da) “Head of the Institution” means Headmaster or Principal or any other Principal or Academic Officer, by whatever designation called, of an affiliated institution;”;

(iv) in clause (e), for “in the State or outside” substitute “in the Union territory or outside”;

(v) for clause (h), substitute -

“(h) “Recognised” with its grammatical variations and cognate expressions, used with reference to institutions means recognised schools or institutions by the Government for imparting education to the students at Pre-primary, Elementary, Secondary, Higher Secondary or Teachers Training level;” and