

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.

(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 with 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 an 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 the 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.