

**The Karnataka Educational Institutions (Control of Private Educational Institutions)
Rules, 1999**

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The Karnataka Educational Institutions (Control of Private Educational Institutions) Rules, 1999

Education Secretariat Notification

No. ED/145/Vivida/98, Bangalore, Dated: 31st January 2001

Whereas the draft of the Karnataka Educational Institutions (Control of Private Educational Institutions) Rules, 1999 was published as required by sub section (1) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act of 1995) in Notification No. ED/145/Vivida/98, dated: 4-10-1999 in part-IV-2c(i) of the Karnataka Gazette Extraordinary dated 5th October, 1999 inviting objections and suggestions from the persons likely to be affected thereby.

And Whereas the said Gazette was made available to the public on 5th October, 1999.

And whereas no objections and suggestions have been received in this regard.

Now, therefore, in exercise of powers conferred by Section 102, 103, 104, 105, 106, 107 and 108 read with sub-section (1) of section 145 of Karnataka Education Act 1983 (Karnataka Act 1 of 1995) The Government hereby makes the following rules, namely:-

1. Title and commencement.- (1) These rules may be called Karnataka Educational Institutions (Control of Private Educational Institutions) Rules, 1999.

2. They shall come into force from the '[date]'¹ of their publication in the official Gazette.

1. Published in the Karnataka Gazette Part IV-A Extraordinary No. 155 dated 1-2-2001

2. Definition.- In these rules, unless the context otherwise requires.-

(a) "Act" means the Karnataka Education Act 1983.

(b) "Form" means form appended to these rules.

"Institution" means Private Educational Institution.

(d) "Section" mans section of the Act.

3. The duties and the code of conduct for the Governing Council.- (1) It shall be the duty of the Governing Council.

1. to uphold the dignity and integrity of the nation;

2. to ensure that none of the employees of the institution engage in private tuition, anti-social activities or active politics;

3. to endeavor to promote the education of the weaker sections and the handicapped.

4. to adhere to and act in accordance with provisions of the Act, the rules made thereunder, and orders made or instructions given by the Head of the Department from time to time.

5. to follow the curricula, syllabi and text books for any course of instruction prescribed by the Government from time to time.

6. to make necessary arrangements like sparing the building furniture etc., for conduct of any type of examination conducted by the Department / Government and not to encourage any kind of malpractice during the period of the above mentioned examination.

7. to levy or collect any fees or charges or any payment by whatever name it is called only as provided in the rules made by the State Government in this behalf;

8. to arnata the amounts levied or collected by the Educational Institution in accordance with such rules as may be made by the State Government.

9. to intimate the details of receipt of voluntary donations within ninety days from the date of receipt of Block Education Officer of the jurisdiction and deposit such amounts as directed by Block Education Officer.

10. to arnata all moneys received for the purpose for which they are intended and shall be accounted for;

11. to hold and protect the interest of the staff and students of the institution

12. to make available all the account books and other documents to the inspecting authority at the time of inspection or enquiry.

13. not to open or teach a standard or standards higher than those for which recognition is accorded;

14. not to transfer and property related to the Educational Institution without prior permission of the State Government;

15. to make the provisions for contingent expenditure, in case Government makes provision for Midday meals and such other incentives schemes;

16. to abide by the rules and regulation in respect of recruitment, appointment and service conditions of its employees framed by the State Government from time to time;

17. not to close down the institutions run by them without prior and proper intimation to and approval of the State Government.

18. to hand over all its properties, records to the officer arnataka by the Government on its closure;

19. not to sell, mortgage, lease, pledge, transfer or otherwise its properties without previous permission in writing of the State Government on an application made in this behalf;

(2) The Governing Council shall be governed by the code of conduct prepared by it with respect to the matters not covered in the above code of conduct. However such code of conduct is subject to the prior approval of the State Government.

4. Furnishing of list of properties.- (1) Every institution shall send on or before the First January of each year to the competent authority, the statement in triplicate in form-1 of details of desks, benches, tables and of movable properties the value of which individually, is

Rs. 5000 or more and of all immovable properties. In respect of immovable properties the statement shall contain the following particulars and shall be authenticated by the Educational Agency,-

- a) Name of Property
- b) Description, address and location
- c) Area / extent together with survey number
- d) In case of cultivable land, its classification, and the crops grow
- e) Market value
- f) Annual income derived from the property
- g) Remarks, if any

Explanation.- A certificate from an officer of the Revenue Department not lower in rank than that of a Tahsildar shall be obtained in respect of (e) and (f) above at the time of the first submission of the statement. When there is any change in the movable or immovable properties such change should be indicated in the statement.

(2) The movable and immovable properties referred to in sub-rule (1) shall be the movable and immovable properties for the purpose of section 107.

5. Utilisation of funds and properties of the Institution.- (1) The funds of the Institution shall be available for the bonafide purposes connected with the institutions only with prior permission of the competent authority. If any donations are collected with the previous permission of the competent authority they shall be available only for that purpose. Balance if any shall be credited in the funds of the institution.

(2) An Institution may deposit funds not required for immediate use in the following Banks.-

(a) State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955) or.

(b) In a subsidiary Bank as defined in the State Bank of India (subsidiary banks) Act, 1959 (Central Act 38 of 1959) or

I In any corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of undertakings) Act, 1970 (5 of 1970) or Post Offices Saving Bank ; or

(d) in any other Schedule Bank as approved by the competent authority.

6. Accounting of deposit of institutions funds.- (1) All funds properties grants etc collected in the name of Institutions whether from the Government or the public or private individual shall be brought to account in the case book and financial statement of that institution and it shall be used for the purpose of which the funds were collected or donated. They shall not be used for any other purpose without approval of the competent authority. The school fees, grant from Government and their income shall be pooled together as institution's funds.

(2) Funds not required for immediate use shall be deposited in the Nationalised Bank referred to above on behalf of the institution and not in the name of any individual. Every institution shall maintain day to day accounts, registers and their records are at all times open to Inspection by the competent authority.

7. Closure of Institutions etc.- Notice under section 105 shall be in Form II or III as may be appropriate. Every such notice shall set out the alternate arrangements proposed to be made for the continuance of instruction to the students of the institution or class or course, as the case may be.

8. Appeal.- (1) Every appeal under sub-section (3) of section 107 may be made to the following officers in respect of the Institutions indicated against each in column-3.

	Officers	Educational Institutions
1	2	3
1.	Commissioner for Public Instructions.	Primary schools, Secondary schools, TCH, CPED, Bed, Colleges, Sanskrit, Urdu & other Minority language Schools.
2.	Director of Pre-University Education.	Pre-University College / Junior College.
3.	Commissioner for Collegiate Education.	Colleges and Law Colleges.
4.	Director of Technical Education	Engineering College, Polytechnics, Junior Technical Schools.

(2) Every appeal shall be either presented by the party making such appeal or by his arnataka agent in the office during office hours or be sent by registered post addressed to the authority to whom it is presented by designation.

(3) Every appeal shall clearly state the grounds of appeals.

By Order and in the name of the
Governor of Karnataka

K.S. GOPALA KRISHNA
Under Secretary to Government,
Education Department (General).

Form – I

(See Rule 4)

Sl. No.	Name of Property	Movable/ Immoveable	Description of property	How acquired	When acquired	Value of purchase
1	2	3	4	5	6	7

Signature of the Secretary/
Correspondent with seal

Form II

(Rule 7)

Form of Notice to be given by the Management to the Competent Authority in Case of Closure or Discontinuance of Private Education Institution

1. Date of opening of the Institution.
2. Name of the educational Institution.
3. Whether it is located in own building (rented) rent-free.
4. Mention the media of instruction in the school.
5. Name of educational district.
6. Names of other arnataka institution of similar type of functioning within a radius of 5 K.M. from the institution under reference.
7. Details of standards now functioning in the institution (Standard wise strength particulars of boys and girls as on 1st September of the year in which notice is given should also be furnished.)
8. Nature of recognition enjoyed by the institution. If temporary, period up to which the recognition has been granted and conditions laid down for grant of provisionally recognition etc.
9. Particulars of staff employed as approved by the Department (Teaching and non-teaching should be finished separately).
10. Whether the constitution of the educational agency provides for the closure of the institution. Furnish an extract of the constitution.
11. Reasons for the closure to be given clearly.
12. Alternative arrangements made or proposed to be made for the continuance of instruction of the pupils.
13. Cash balance in the general fund account on the date of notice.
14. Details of endowments created. Full details to be given in respect of immovable property and cash endowment.
15. Details of public contribution arnatak for the benefit of the institution from the date of opening of the institution.

Cash Kind:	Rs. Movable: Immovable:	Present Value	Rs. P.
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16. Liabilities if any to be discharged by the management. Details to be specified. The arrangements made to settle them to be furnished.

17. Grants other than staff grant received from State Government should be furnished in detail.-

- i) Amount of grant
- ii) Date of drawal
- (20) Purpose for which granted
- iv) Authority Number and date of orders sanctioning of grant.

(Copy of sanction order to be furnished).

18. Whether the educational agency proposes to run any other educational institution anywhere else in the State? If so, the details may be furnished.

19. How the endowed property movable / immovable, cash balance in the general fund account is proposed to be used for educational purposes.

20. Whether the educational agency is prepared to refund the full amount of grant drawn from State Government.

21. Whether the educational agency is willing to transfer to State Government unconditionally the site, buildings, furniture endowment, staff of the institution, in case a State Government institution is opened to provide alternative arrangement for catering to the educational needs of the locality.

22. Whether any special scheme of scholarship, etc., has been instituted for the benefit of students of the institution. Full details of the scheme to be given.

23. Whether there are any orders passed by the Department as Appellate authority remaining without compliance.

24. Whether there is any case pending in a court of law concerning the institution.

25. Whether any action against the institutions pending.

26. The date of notice signed by the Secretary of the Institution Correspondent of the Schools.

DECLARATION

1. I agree that the institution will be closed only after obtaining the prior Permission of the competent authority and the closure shall take effect from the date of expiry of an academic year, as specified by the competent authority.

2. I agree to make alternative arrangements for the continuance of instruction to the pupils in the course of study for which they have been admitted.

3. In case the permission required for closure is refused by the competent authority, I shall continue to run the institution.

4. In the event of closure of the institution with the permission, I shall abide by the orders of the competent Authority with regard to transfer of institutional staff, properties, settlement of accounts etc.

Signature of the Applicant.
Secretary / Correspondent of the
Institution with seal.

Place:

Date:

Form III

(See Rule 7)

Form of Notice to be given by the Management to the Competent Authority in cases of closure or Discontinuance of Class / Course of Instruction in a Private Educational Institution

1. Name of the Institution.
2. The media of instruction in the institution.
3. Name of the educational district.
4. Details of standards / sections now functioning in the institution. (Standardwise strength (boys / girls) should be furnished.
5. Details of courses / medium introduced in the institution. The dates from which such courses are offered.
6. Details of recognition accorded to each standard. Period upto which recognition accorded should also be noted.
7. Particulars of approved staff employed in the institution including non-teaching staff for the class or course of instruction or medium of instruction proposed to be closed.
8. Whether the proposal is for closure of –
 - a) Class / Classes
 - b) Courses of instruction
9. Reason for such closure.
10. Alternative arrangement made / proposed to be made for the continuance of instructions to the pupils of the class / course of instruction.
11. The date of notice signed by the Secretary / corresponding of the institution.

DECLARATION

1. I agree that the Class / Course will be closed only after obtaining the prior approval of the competent authority and the closure shall take effect from the expiry of an academic year.
2. I agree to make alternative arrangements for the continuance of instruction to the pupils in the course for which they have been admitted.
3. In case the permission requested, refused by the competent authority, I shall continue to conduct the class / course of instruction.
4. I shall abide by the conditions / rules that are specified by State Government from time to time for the closure of class /course of instruction.

5. If due to the proposals of closure of class / course of instruction any staff is rendered surplus, their service will not be dispensed with and they will be allowed to continue in service will further orders are received regarding their absorption in needy institutions.

Place:

Signature of the Applicant.

Date:

Secretary /
Correspondent
of the
Institution with
seal.