

Education Secretariat

NOTIFICATION

No. ED 13 SES 2006, Bangalore, Dated: 17th April, 2007

Whereas, the draft of the Karnataka Educational Institutions (Change in the Governing Council or Change in the Location of Private Educational Institutions) Rules, 2006, was published as required by sub-section (1) of section 145 of the Karnataka Education Act, 1983 [Karnataka Act 1 of 1995] in Notification No. ED 13 SES 2006, dated: 29-08-2006 in Part IV-A in No. 1094 of the Karnataka Gazette Extraordinary dated: 29-08-2006 inviting objections and suggestions from the persons likely to be affected thereby:-

Whereas, the said Gazette was made available to the public on 29-08-2006 ;

Whereas, the suggestion received in this regard has been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section [1] of Section 145 of the Karnataka Education Act, 1983 [Karnataka Act 1 of 1995], the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. **Title, application and commencement:** - (1) These rules may be called the Karnataka Educational Institutions (Change in the Governing Council or Change in the Location of Private Educational Institutions) Rules, 2006.

(2) These rules shall apply to the private educational institutions imparting primary, secondary and pre-university education.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. **Definitions:** - (1) In these rules, unless the context otherwise requires,-

(a) 'Act' means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) ;

(b) 'Section' means a section of the Act.

(c)

3. **Procedure for change in the governing council or change in the location of private educational institutions:** - (1) Applications seeking change in the governing council or change in the location of private educational institutions shall be filed in person or through registered post acknowledgement due, before the competent authority, every year in the month of October only ;

Provided that in case of extreme urgency such applications may be filed any time in the academic year.

(2) Every such application for change in the governing council or change in the location of a private educational institution specified in column (2) of the table below shall be accompanied by proof of having paid the application fee as specified in the corresponding entry in column (3) thereof. The fee shall be paid in the form of demand draft drawn not earlier than

one month prior to the date of application and in favour of the competent authority. The demand draft shall be made payable at the branch of the Bank located in the headquarters of the said authority or in the surrounding locality.

Sl. No.	Class of Private Educational Institutions	Application fee to be paid For change in the location of a private educational institution	Application fee to be paid for change in the governing council of a private educational institution
(1)	(2)	(3)	(4)
1.	Primary Schools	20,000	40,000
2.	Secondary Schools	30,000	60,000
3.	Pre-University Colleges	40,000	80,000
4.	Vocational Courses	10,000	20,000

(3) The fee received under sub-rule (2) shall not be refunded under any circumstances and it shall be credited to the consolidated fund of the State by the competent authority.

(4) Every such application shall also be accompanied by the following documents, namely:-

- (a) Certified copy of the resolutions passed by the present governing council and the one intending take over the private educational institution with regard to the change in the governing council ;
- (b) Certified copy of the agreement entered into between the present governing council and the one intending to take over the private educational institution, inter alia, agreeing to the transfer of the private educational institution with its assets, liabilities and staff and take over the same ;
- (c) An undertaking by the governing council intending to take over the private educational institution to the effect that it shall provide and maintain the infrastructure and other facilities prescribed; and
- (d) Such others documents etc., as may be specified by Government by orders and instructions issued in this behalf from time to time.

(5) The competent authority shall verify the suitability and eligibility of each application in accordance with the provisions of section 41(5) of the Act and the rules made there under including the provisions of these rules. He shall grant permission to the governing council for

the change sought or the refusal order, as the case may be, within a period of 60 days from the date of receipt of the application.

(6) The refusal order shall indicate the reasons for refusal.

4. Conditions for change in the governing council of private educational institutions: - (1) Every application seeking change in the governing council shall contain specific reasons in support thereof, which shall be in the public interest and in the interest of the students in providing good education and facilities.

(2) No change in the governing council shall be permitted, if the same is sought with commercial motives:

Provided that if the existing governing council is not able to provide the infrastructure and other prescribed facilities, it may seek change in the governing council, if the governing council intending to take over the private educational institution undertakes to provide and maintain the same.

(3) The governing council intending to take over the private educational institution should be financially good enough to be able to run the institution and it should be running at least one recognized primary school or high school or pre-university college.

(4) If the competent authority permits change in the governing council, a fresh application for registration and recognition shall be made as if it were a newly started institution.

(5) No change of governing council shall be permissible more than once.

(6) The governing council taking over the institution shall continue with the students existing under the governing council transferring the institution. The staff appointed as per the staffing pattern, who are existing under the governing council transferring the institution, shall be continued by the governing council taking over the institution.

5. Conditions for change in the location of the private educational institutions:- (1) No Change in the location of a private educational institution located within the limits of an urban agglomeration, city corporation, city municipal council, town municipal council, town panchayat shall be permitted beyond the limits of such urban agglomeration or city corporation or city municipal council or town municipal council or town panchayat, as the case may be:

Provided that change in the location of a private educational institution may be permitted from a place in one gram panchayat area, where it is located, to another place either within the same gram panchayat area or some other gram panchayat area, which does not fall within the limits of any urban agglomeration.

(2) Change of location shall be permitted by the competent authority only if the governing council has provided all the facilities prescribed at the new location.

(3) Ordinarily, change in the location of the institution shall not be permitted more than once.

(4) The governing council shall ensure that no inconvenience is caused to the students in case change in location is permitted.

(5) If the competent authority permits change in the location, a fresh application for registration and recognition shall be made as if it were a newly started institution.

By order and in the name of the
Governor of Karnataka,

SIDDALINGAIAH

Under Secretary to Government,
Education Department