

EDU-COMPENDIUM

VOLUME-1

Acts and Rules pertaining to Department of Public Instruction (Includes Primary, Secondary and Teacher Education)

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STATEMENT OF OBJECTS AND REASONS

I

Act 1 of 1995.- It is considered necessary to provide for the planned development of educational institutions, inculcation of healthy educational practice, maintenance and improvement in the standards of education and better organisation discipline and control over educational institutions in the State with a view to fostering the harmonious development of the mental and physical faculties of students and cultivating a scientific and secular outlook through education.

Hence the Bill.

(Published in Karnataka Gazette Part IV-2A, dated 7.7.1983 at page 291.)

II

Amending Act 8 of 1998.- When the Karnataka Education Bill, 1983 was pending for assent of the President of India, the Government of India sought clarifications from the State Government on certain matters. By way of response, the State Government proposed certain amendments to the said Bill and simultaneously a draft of the Karnataka Education (Amendment) Ordinance was also sent to Government of India.

The Government of India, while conveying the assent of the President to the said Bill also, conveyed previous instructions of the President to the Ordinance.

The Karnataka Education Bill which has received the assent of the President was published as an Act on 20th January, 1995 and all the provisions of the Act were brought into force with effect from the 1st day of June, 1995.

As the Amendment Ordinance could not be promulgated it is proposed to introduce a Bill incorporating all the amendments contained in the Ordinance, which are as below:-

- (1) Amendment of Section 1 to include in sub-section (3) certain education institutions affiliated to Council on India School Certificate Examination so as to exclude them from the application of the Act;
- (2) Public interest is defined by amendment of section 2;
- (3) Section 67 is being amended to restrict the period of taking over of management initially to one year with a power to extend it for a further period of one year;
- (4) A new section 67A is proposed for relinquishment of; management of educational institutions;
- (5) Amendment of section 74 is consequential.

Hence the Bill.

(Obtained from L.A. Bill No. 15 of 1996.)

KARNATAKA ACT No. 1 OF 1995

(First published in the Karnataka Gazette Extraordinary on the Twentieth day of January, 1995)

THE KARNATAKA EDUCATION ACT, 1983

(Received the assent of the President on the Twenty-Seventh day of October 1993)

(As amended by Act 8 of 1998)

An Act to provide for better organisation, development, discipline and control of the educational institutions in the State.

WHEREAS it is considered necessary to provide for the planned development of educational institutions inculcation of healthy educational practice, maintenance and improvement in the standards of education and better organisation, discipline and control over educational institutions in the State with a view to fostering the harmonious development of the mental and physical faculties of students and cultivating a scientific and secular outlook through education;

BE it enacted by the Karnataka State Legislature in the Thirty-fourth Year of the Republic of India as follows:-

CHAPTER I

GENERAL

1. Short title, extent, application and commencement.-

- (1) This Act may be called the Karnataka Education Act, 1983.
- (2) It extends to the whole of the State of Karnataka.
- (3) It applies to all educational institutions and tutorial institutions in the State except,-
 - (i) institutions for scientific or technical education financed by the Central Government, and declared by Parliament by law to be institutions of national importance;
 - (ii) institutions of higher education which shall be deemed to be University as declared by the Central Government by a notification, under section 3 of the University Grants Commission Act, 1956 (Central Act III of 1956)
 - (iii) institutions established or maintained and administered by or affiliated to or recognised by the University of Agricultural Sciences in so far as the matter pertaining to them are dealt within the University of Agriculture Sciences Act, 1963 (Karnataka Act 22 of 1963);
 - ¹[(iiia) Educational Institutions affiliated to or recognised by the Council of Indian School Certificate Examination or Central Board of Secondary Education respectively]¹
 - (iv) in so far as the matters pertaining to colleges and institutions are dealt within,:
 - (a) the Indian Medical Council Act, 1956 (Central Act j Cllof1956);
 - (b) the Dentists Act, 1948 (Central Act XVI of 1948); ,

- (c) the Pharmacy Act, 1948 (Central Act VIII of 1948);
- (d) the Karnataka State Universities Act, 1971 (Karnataka Act 28 of 1976);
- ¹[(d-a) the All India Council for Technical Education Act, 1987 (Central Act 52 of 1987);
- (d-b) the Indira Gandhi National Open University Act, 1985 (Central Act 50 of 1985);
- (d-c) the National Council for Teachers Education Act, 1993 (Central Act 73 of 1993);]¹
- (e) the Karnataka Ayurvedic and Unani Practitioners' Miscellaneous Provisions Act, 1961 (Karnataka Act 9 of 1961); and
- (f) the Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961);
- (v) such other class or classes of institutions, subject to such conditions and to such extent as the State Government may, by notification, specify:

Provided that nothing in Chapter III, section 35 of Chapter V, Chapter VII and Chapters IX to XV (both inclusive) except sections 57 and 58 of Chapter X shall be applicable to commerce institutions.
- (4) It shall come into force on such ¹[date]¹ as the State Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.

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

- (1) 'academic year' means the year beginning on such date as the State Government or the prescribed authority may, by notification, specify with respect to any specified area or with respect to any educational institution or class of educational institutions;
- (2) 'adult education' means the education or further education of a person of not less than fifteen years of age who has not attended any educational institution at any time before, or, as the case may be, who is a dropout from an educational institution at any level of his studies therein;
- (3) 'approved school' means any school in any specified area imparting primary education which,-
 - (a) is under the management of the State Government or a local authority; or
 - (b) being under any other management, is recognised by the State Government or by an officer authorised by the State Government in this behalf or by a school board as approved school for the purposes of this Act;
- (4) "attendance authority" means any person having the prescribed qualification appointed to be an attendance authority under section 13;
- (5) "backward classes" means any socially and educationally backward classes of citizens recognised by Government for purposes as the case may be, of clause (4)

1. Inserted by Act 8 of 1998 w.e.f. 11-4-1998.

2. Act came into force on 1-6-1995 by notification.

Article 15 or clause (4) of article 16 of the Constitution of India

- (6) 'child' means a boy or girl within such age group n[^] being less than six years or more than fourteen years at tr beginning of the academic year as the State Government specify for the purposes of this Act either generally or with resp to any specified area;
- (7) 'competent authority' means any person, officer or authority authorised by the State Government, by notification to perform the functions and discharge the duties of the competent authority under all or any of the provisions of this, for such area or for such purposes or for such classes institutions as may be specified in the notification;
- (8) "commerce education" means education in typewriting, shorthand, Book-keeping and accountancy, commerce, office practice and procedure, salesmanship and marketing, banking practice, insurance practice and such other subjects as may be notified by the State Government;
- (9) "commerce institution" means any institution irnparting commerce education and presenting students for examinations conducted by the Kamataka Secondary Education Examination Board;
- (10) "district" means revenue district;
- (11) "District Education Officer" means an Officer pointed as such to be incharge of the administration of the primary education in a district or part of a district;
- (12) "Director for Compulsory Primary Education" means the Commissioner of Public Instruction in Karnataka or any other officer discharging the functions and exercising the powers of Director for Public instruction (Primary Education);
- (13) 'educational agency' in relation to a private educational institution, means any person or body of persons which has established and is administering or proposes to establish and administer or is entrusted with the establishment, management, administration and maintenance of such private educational institution;
- (14) "educational institution" means any institution imparting education referred to in section 3 and includes a private educational institution but does not include an institution under the direct management of the University or of the Central Government or a tutorial institution;
- (15) "employee" means a person employed in an educational institution;
- (16) "general education" means every branch of education other than religious, professional, medical, technical or special education;
- (17) "Governing Council" means any person or body of persons permitted or deemed to be permitted under this Act to establish or maintain a private educational institution; or commence institution or tutorial institution and includes the governtng body, by whatever name called, to which the affairs of the said educational institution are entrusted;
- (18) "grant" or "grant-in-aid" means any sum of money paid as aid out of the State funds to any educational institution;

- (19) “Managing Committee” means the individual or the body of individuals entrusted or charged with the management and administration of a private educational institution and where a society, trust, or an association manages more than one institution, includes the managing committee of each such institution;
- (20) “medical education” includes education in model scientific medicine, in all its branches, Ayurvedic system medicine, Unani system of medicine, integrated system medicine, Indigenous medicine, Naturopathy, Siddha or Homoeopathy;
- (21) “minority educational institution” means a private educational institution of its choice established and administered by a minority whether based on religion or language, having the right to do so under clause (1) of Article 30 of the Constitutions of India;
- (22) “non-formal Education” means the education, of a person upto fifteen years of age who has not attended any educational institution at any time before or as the case may be who is a drop out from an educational institution at any level of his studies therein to enable him to enter the formal educational system at an appropriate level;
- (23) “parent” in relation to a child includes a guardian and every person who has the lawful custody of the child;
- (24) “prescribed” means prescribed by rules made under this Act;
- (25) “primary education” means education in and upto classes and standards as are prescribed under this Act;
- (26) “primary school” means a school or part of such school in which primary education upto any standard is imparted;
- (27) “private educational institution” means any educational institution imparting education referred to in section 3, established and administered or maintained by any person or body of persons, but does not include an educational institution,-
- (a) established and administered or maintained by the Central Government or the State Government or any local authority or any other authority designated or sponsored by the Central Government or the State Government;
 - (b) established and administered by any University established by law;
 - (c) giving, providing or imparting only religious instruction, but not any other instruction; or
 - (d) imparting instruction for which there is no approved syllabi or course of studies or Government or University Examination;
- (28) “private tuition” means instruction or teaching given by an employee of a recognised educational institution outside its premises to students;

¹[(28A) ‘Public interest’ includes public order, public health, public morality and other similar purposes;]¹

1. Inserted by Act 8 of 1998 w.e.f. 11-4-1998.

- (29) “ragging” means causing, inducing, compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detracts from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful act, by intimidating, wrongfully restraining, wrongfully Confining, or injuring him or by using criminal force to him or by holding out to him any threat of such intimidation, wrongful restraint, wrongful confinement, injury or the use of criminal force;
- (30) “recognised educational institution” means an educational institution recognised under this Act and includes one deemed to be recognised thereunder;
- (31) “registering authority¹” means any person, officer or authority authorised by the State Government by notification, to perform the functions and discharge the duties of the registering authority under all or any of the provisions of this Act for area or for such purposes or for such classes of institutions as may be specified in the notification;
- (32) “secondary education” means education in and upto such class or standard as may be prescribed;
- (33) “secretary” in relation to a private educational institution means the person, by whatever name called, who under the rules or regulations of the private educational institution is a chief executive entrusted with the management of the affairs of the institution;
- (34) “society” includes a society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960), or Karnataka Co-operative Societies Act, 1959 or a trust registered under the Bombay Public Trust Act, 1950, or any association of individuals registered under any other law for the time being in force;
- (35) “special education” means education for the handicapped, education in music, dance, drama, fine arts, physical education including sports and games and such other types of education as the State Government may by notification in that behalf specify;
- (36) “specified area” means any area in which primary education is notified by the State Government to be compulsory under section 11;
- (37) “technical education” means any course of study in Engineering, Technology, Architecture, Ceramics, Industrial Training, Mining, or in any other subject, as the State Government may, by notification, specify;
- (38) “tribunal” means the Educational Appellate Tribunal constituted under section 96;
- (39) “tutorial institution” means an unrecognised institution established or run by not less than two persons for systematically imparting education or instruction to twenty or more persons in any subject with a view to prepare them to appear for an examination in any branch of education conducted or recognised by the State Government or the Universities in the State or any body or authority under this Act or any other law for the time being in force.

3. Regulation of education -

- (1) The State Government may, subject to sub-section (3) of section 1, regulate general education, professional education, medical education, technical education, commerce education and special education at all levels in accordance with the provisions of this Act.
- (2) The State Government may towards that end,-
 - (a) establish and maintain educational institutions;
 - (b) permit any local authority or a private body of persons to establish educational institutions and maintain them according to such specifications as may be prescribed;
 - (c) require registration of educational institutions including tutorial institutions;
 - (d) recognised educational institutions;
 - (e) grant aid to any recognised educational institutions in furtherance of the objects of this Act;
 - (f) regulate the admission including the minimum or maximum number of persons to be admitted to a course in any educational institution or class of such institutions, and the minimum age for such admission;
 - (g) prescribe the conditions for eligibility of or admissions to any educational institution or class of such institutions;
 - (h) establish hostels or recognise private hostels and frame rules for grant-in-aid to recognised private hostels;
 - (i) permit or establish institutions imparting education in arts, crafts, music, dance, drama or such other fine arts, physical education including sports;
 - (j) permit and establish institutions or centres for pre-primary education, adult education and non-formal education; and
 - (k) take from time to time such other steps as they may consider necessary or expedient.

4. Prohibition of private tuition.- On and after the date of commencement of this Act, no institution recognised or deemed to be recognised under this Act, shall permit any of its employees to give private tuition nor shall such employee impart such tuition to any person.

5. Promotion of education of the weaker sections and the handicapped.- The State Government shall endeavour to promote the education of the handicapped, backward classed and the weaker sections of the society including the economically weaker sections thereof and in particular of the Scheduled Castes, Scheduled Tribes with special care by adopting towards that end such measure as may be appropriate.

6. Educational institutions to be in accordance with this Act.- No educational institution shall be established or maintained otherwise than in accordance with the provisions of this Act or the rules made thereunder.

7. Government to prescribe curricula, etc.-

- (1) Subject to such rules as may be prescribed, the State Government may, in respect of educational institutions, by order specify,-
 - (a) the curricula, syllabi and text books for any course of instruction;
 - (b) the duration of such course;
 - (c) the medium of instruction;
 - (d) the scheme of examinations and evaluation;
 - (e) the number of working days and working hours in an academic year;
 - (f) the rates at which tuition and other fees, building fund or other amount, by whatever name called, may be charged from students or on behalf of students;
 - (g) the staff pattern (teaching and non-teaching) and the educational and other qualifications for different posts;
 - (h) the facilities to be provided, such as buildings, sanitary arrangements, playground, furniture, equipment, library, teaching aid, laboratory and workshops;
 - (i) such other matters as are considered necessary.
- (2) The curricula under sub-section (1) may also include schemes in respect of,-
 - (a) moral and ethical education;
 - (b) population education, physical education, health education and sports;
 - (c) socially useful productive work, work experience and social service;
 - (d) innovative, creative and research activities;
 - (e) promotion of national integration;
 - (f) promotion of civic sense ; and
 - (g) inculcation of the sense of the following duties of citizens, enshrined in the Constitution namely:-
 - (i) to abide by the Constitution and respect its ideals and institutions the National Flag and the National Anthem;
 - (ii) to cherish and follow the noble ideas which inspired our national struggle for freedom;
 - (iii) to uphold and protect the sovereignty, unity and integrity of India;
 - (iv) to defend the country and render national service when called upon to do so;
 - (v) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women;

- (vi) to value and preserve the rich heritage of our composite culture;
 - (vii) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
 - (viii) to develop the scientific temper, humanism and the spirit of inquiry and reform;
 - (ix) to safeguard public property and to abjure violence;
 - (x) to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.
- (3) The prescription under sub-section (1) may be different for the different categories of educational institutions.
- (4) (a) The objectives of education at the primary level shall be universalisation of education at the primary level by comprehensive access by both formal and non-formal means and by improving retention and completion rates with curriculum development and teacher education to help children attain the required level of achievement in the following basic purposes:-
- (i) development of 'basic skills' in literacy in the mother tongue and Kannada (where mother tongue is not Kannada), numeracy and communication;
 - (ii) development of 'life skills' for understanding of and meaningful interaction with the physical and social environment, including study of Indian culture and history, science, health and nutrition;
 - (iii) introduction of 'work experience' or socially useful productive work to provide children with the ability to help themselves, to orient them to the work processes of society and to develop right attitudes to work;
 - (iv) promotion of values including moral values; and
 - (v) development of good attitudes towards further learning.
- (b) The main objective of education at the secondary level shall be to impart such general education as may be prescribed so as to make the pupil fit either for higher academics studies or for job-oriented vocational courses. The general education so imparted shall, among others, include,-
- (i) the development of linguistic skills and literary appreciation in the regional language;
 - (ii) the attainment of prescribed standards of proficiency in any two other selected languages among classical or modern Indian languages including Hindi and English;
 - (iii) the acquisition of requisite knowledge in mathematics and physical and biological sciences, with special reference to the physical environment of the pupil;
 - (iv) the study of social sciences with special reference to history, geography and civics so as to acquire the minimum necessary knowledge in regard to the

- state, country and the world;
- (v) the introduction of 'work experience' or 'socially useful productive work' as an integral part of the curriculum; and
 - (vi) training in sports, games, physical exercises and other arts.
- (5) In every recognised educational institution,-
- (a) the course of instruction shall conform to the curricula and other conditions under sub-section (1);and
 - (b) no part of the working hours prescribed shall be utilised for any purpose other than instruction in accordance with the curricula.

CHAPTER II

EDUCATIONAL AUTHORITIES

8. Appointment of Officers.-

- (1) The State Government shall constitute as many departments as it deems necessary to deal with the various aspects of education and appoint a Director or Commissioner for each department or group of departments.
- (2) The State Government may also appoint such number of officers as may be necessary, designated as Additional Director, Joint Director, Deputy Director or otherwise, for each department or group of departments to assist each such Director in the exercise of the powers conferred on and the performance of the functions entrusted to him by or under this Act.
- (3) Subject to the provisions of this Act and the general or special orders of the State Government made in this behalf, the Director or Commissioner appointed under sub-section (1), shall be the Chief Controlling Authority in all matters connected with the administration of such part of education in the State as may be allotted by the State Government by an order in this behalf to the department or group of departments, of which he is the Director or Commissioner.
- (4) The State Government may constitute such number of Vigilance Cells at the State, division and district levels as it thinks fit with such number of officers as it deems necessary in each cell for each department to perform such duties and functions as may be prescribed for the proper observance of the provisions of this Act and rules thereunder.
- (5) All persons employed in the administration of this Act shall be subject to the superintendence, direction and control of the State Government and the officer or officers to whom each officer shall be subordinate shall be determined by the State Government.

9. District Educational Officers and other sub-ordinate, officers and staff at the district level.-

- (1) The State Government may appoint for each District one or more District Educational Officers, and every such District Educational Officer shall exercise such powers and perform such functions as may be entrusted to him by or under this Act.

- (2) The State Government may sanction the appointment of such number of officers and staff as may be necessary to assist the District Educational Officer.
- (3) The appointment to the posts sanctioned under sub-section (2) shall be made by such authority and in such manner as may be prescribed.
- (4) The powers and functions of the officers and staff appointed under this section shall be such as may be prescribed.

10. Constitution of Boards.-

- (1) The State Government may, by notification, establish a Board of Secondary Education to be called "The Board of Secondary Education, Karnataka", the composition, powers and functions of which shall be such as may be prescribed. The functions of the Board shall include, -
 - (a) advising the State Government on the co-ordinated development of secondary education in the State; and
 - (b) the conduct of examinations, conforming to the minimum standards as may be prescribed and the award of certificates.
- (2) The State Government may, by notification establish a board of Teacher's Education to be called "The Board of Teacher's Education, Karnataka" the composition and powers of which shall be such as may be prescribed. The functions of the Board shall be to advise the State Government on the course of study, preservice and inservice training of teachers and other matters relating to teachers' education.
- (3) (1) The State Government may, by notification establish a Board of Technical Education to be called "The Board of Technical Education, Karnataka", the composition and powers of which shall be such, as may be prescribed.
 - (2) The functions of the Board shall be,-
 - (a) to advise the State Government on or State proposed schemes for the co-ordinated development of technical education in the State at all levels;
 - (b) to inspect the institutions periodically and ensure that the standards of the course and the institutional facilities provided are satisfactory;
 - (c) to conduct examinations and award diplomas and certificates;
 - (d) to establish and develop co-operative relationship with industry and commerce;
 - (e) to perform such other functions as may be prescribed.
- (4) The State Government may, by notification, establish such Board other than those specified in sub-sections (1) to (3), to discharge such functions and to exercise such powers as may be prescribed.

CHAPTER III

ENFORCEMENT OF COMPULSORY PRIMARY EDUCATION

11. State Government to direct by notification primary education to be compulsory in specified areas.-

- (1) The State Government may, by order, direct that with effect from the commencement of such academic year and for children with such age group as may be specified in the order, primary education shall be compulsory in any area :
Provided that a child who has completed the age of five years shall not be denied admission into the school.
- (2) Every order under sub-section (1) shall be,-
 - (a) published in the official Gazette and in such manner as the State Government may decide;
 - (b) so made as to ensure that there is an interval not less than thirty days between the date of the publication of the order and the first day of the specified academic year.
- (3) No order shall be made under sub-section (1) in respect of any area unless the State Government is satisfied the necessary facilities have been provided in that area for imparting primary education to all children to whom the order is intended to apply.

12. Schemes for primary education.-

- (1) Any local authority, if called upon by the State Government so to do, shall within such time as may be specified by the State Government; submit to them a scheme for compulsory primary education in such area within its jurisdiction for children ordinarily resident therein of such ages and upto such standard as the State Government may specify.
- (2) The scheme submitted under sub-section (1), shall in such form as the State Government may specify and shall contain the following particulars namely:-
 - (a) the area in which primary education will be compulsory;
 - (b) the approximate number of children to whom the scheme will apply classified according to age and mother tongue;
 - (c) a list of existing approved schools and the schools if any, proposed to be opened for the purpose classified by languages in which instruction is given or is proposed to be given;
 - (d) the number of teachers already employed and the additional staff proposed to be recruited;
 - (e) the recurring and non-recurring cost of the scheme; and
 - (f) such other particulars as may be prescribed.
- (3) The State Government may, after such inquiry as it may consider necessary, sanction with or without modification the scheme submitted by the local authority under sub-section (1). The implementation of the scheme so sanctioned shall be subject to the general control of and the directions issued from time to time, by the State Government.
- (4) No sanction shall be accorded under sub-section (3) in respect of any scheme unless the State Government are satisfied that such steps, as may be prescribed, have been taken to provide the necessary facilities for imparting compulsory primary

education to all children to whom the scheme will apply.

- (5) On receipt of sanction under sub-section (3) the local authority shall give effect to the scheme so sanctioned by means of a declaration that with effect from the first day of the next academic year, primary education for children of both sexes upto such class or standard and within such age group as may be specified therein shall be compulsory in any area which may be so specified.
- (6) Every declaration under sub-section (5) shall be published before the first day of April of each year immediately preceding the academic year, in the official Gazette and in such other manner as the local authority or the Director for Compulsory Primary Education, as the case may be, may decide:

Provided that the State Government may, for any good and sufficient cause, condone any delay in the publication such declaration in any year.

- (7) Where any local authority fails to submit a scheme when called upon to do so under sub-section (1) or to give effect to any sanctioned scheme, under sub-section (5) to the satisfaction of the State Government, the State Government may cause the scheme to be submitted or the sanctioned scheme to be implemented as the case may be, by such person or authority as they think fit. The State Government may, at any time, entrust the administration of the sanctioned scheme to the local authority concerned.

13. Attendance authorities and their powers and duties.-

- (1) A local authority in the case specified under section 12 and in other cases, the Director for Compulsory Primary Education may appoint as many persons as it or he thinks fit to be attendance authorities for the purpose of this Act, and *may* also appoint as many persons as are considered necessary, to assist the attendance authorities in the discharge of their duties
- (2) It shall be the duty of the local authority and in other case, the attendance authority, to cause to be prepared as early as possible in such manner as may be prescribed list of children within the age group specified in the order under section 11 or in the scheme under section 12 in any specified area. Such lists shall also be prepared in every year in every specific area at such time and in such manner as may be prescribed.
- (3) The attendance authority or any person appointed to assist the attendance authority may put such question to any parent or require any person to furnish such information about his child, as it or he considers necessary, and every such parent shall be bound to answer such questions or to furnish such information, as the case may be, to the best of knowledge or belief.
- (4) It shall be the duty of the attendance authority to notify the parent of every child to whom the order under section 11 applies, but against whom no attendance order has been passed under section 17 that he is under an obligation to cause the child to attend an approved school with effect from the commencement of the specified academic year.

14. Responsibility of parent to cause his child to attend school.- It shall be the duty of the parent of every child to cause the child to attend an approved school, unless there is a reasonable excuse for his non-attendance within the meaning section 15.

15. Reasonable excuse for non attendance.- For the purpose of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of the child at an approved school, namely:-

- (a) that there is no approved school within the prescribed distance from his residence;
- (b) that the only approved school within the prescribed distance from the residence of the child to which the child can secure admission is one in which religious instruction of a nature not approved by his parent is compulsory;
- (c) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by the State Government in this behalf;
- (d) that the child has already completed primary education upto the standard specified in the order under section 11.
- (e) that the child suffers from a physical or mental defect which prevents from attendance;
- (f) that the child has been granted temporary leave absence not exceeding the prescribed period by prescribed authority or by any other person authorised by the prescribed authority in this behalf;
- (g) that there is any other compelling circumstance which prevents the child from attending school, provided same is certified as such by the attendance authority and
- (h) such other circumstances as may be prescribed.

16. Special schools for physically or mentally defect children.- If there is in existence a special school within prescribed distance from the residence of a child who is suffering from physical or mental defect, the attendance authority may if it is satisfied that the child is not receiving any instruction in some other manner considered by it to be satisfactory, by or require the child to attend the special school; and it shall be the duty of the parent of such child to cause the child to attend special school unless there be a reasonable excuse for non-attendance of the child within the meaning of clause (f) of section 15.

17. Attendance orders.-

- (1) Wherever the attendance authority has reason to believe that the parent of the child has failed to cause the child to attend an approved school and that there is no reasonable excuse for the non-attendance of the child within the meaning of section 15, it shall hold an inquiry in the prescribed manner.
- (2) If, as a result of the inquiry, the attendance authority is satisfied that the child is liable to attend an approved school under this Act, and that there is no reasonable excuse for the non-attendance of the child within the meaning of section 15 it shall pass an attendance order in the prescribed form, directing the person to cause the child to attend the approved school with effect from the date specified in the order.

- (3) An attendance order passed against a parent in respect of his child under this section shall, subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.
- (4) If any parent against whom an attendance order has been passed in respect of his child under sub-section (2), transfers the custody of the child to any other person during the period in which the attendance order is in force, such parent shall be bound immediately to inform the attendance authority in writing of such transfer.
- (5) Where the attendance order has been passed against a parent in relation to his child under this section, such order shall have effect in relation to any other person to whom the custody of the child may be transferred during the period in which the attendance order is in force, as it has effect in relation to the person against whom it was originally passed.
- (6) A parent may, at any time, apply to the attendance authority for cancellation of the attendance order on the ground,-
 - (a) that he is no longer the guardian or the person in actual custody of the child; or
 - (b) that circumstances have arisen which provide a reasonable excuse for non-attendance;

and thereupon, the attendance authority may, after holding an enquiry in the prescribed manner cancel or modify the attendance order.

18. Children not to be employed so as to prevent them from attending school.- No person shall employ a child in a manner which shall prevent the child from attending an approved school.

19. Primary education to be free.-

- (1) No fee shall be levied in respect of any child for attending an approved school, which is under the management of the State Government or a local authority or a School Board as the case may be.
- (2) Where in respect of any child an attendance order has been passed under section 17 and the only school which he can attend is an approved school under private management falling within sub-clause (b) of clause (3) of section 2, the School Board or the Director for Compulsory Primary Education may take such steps, as he may think fit, for the purpose of ensuring that the primary education which the child is to receive is free.

20. Age of child how to be computed.- The age of a child for the purposes of this Act, shall be computed in terms of years completed by the child on or before the first day of the academic year:

Provided that where the birth day of a child falls on a day not later than sixty days from the first day of the academic year the birth day shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child.

CHAPTER IV

EXAMINATIONS AND PREVENTION OF MALPRACTICES ETC.

21. Definitions.- In this Chapter except in section 22,-

- (a) “educational institutions” means any University, any college affiliated to or maintained by the University, any junior college, any school or institution imparting primary, secondary or technical education and includes the Karnataka State Secondary Education Examination Board, the Karnataka State Board of Technical Education, the Karnataka Pre-University Board and such other institution or classes of institution as may be notified by the State Government in the official Gazette;
- (b) “examination” means an examination for the time being specified in the Schedule II and such other examinations as may be notified by the State Government in the official Gazette and includes evaluation, tabulation, publication of results and all other matters connected therewith;
- (c) “refusal to work” in relation to any person to whom any work in connection with any examination has been assigned means, his failure to attend at, or absence from, the place of work on a working day and during working hours, without obtaining permission of the authority competent to grant such permission or his refusal to do the work or any other conduct on his part, which results in or is likely to result in cessation or substantial retardation of the work and the words “to refuse to do the work”, with all their grammatical variations and cognate expressions shall be construed accordingly; and
- (d) “malpractice” in relation to any examination means taking or giving or attempting to take or give any help from or to any person or from any material, written, recorded, typed or printed or from any person, in any form whatsoever.

22. Examinations:-

- (1) The examination system, whether by internal assessment, external assessment or partly internal and partly external assessment, shall be so regulated by the competent authority as to make it a reliable and effective method of student evaluation.
- (2) The government may make rules for all matters connected with the implementation of the examination system and the conduct of examination and the pattern of examination system to which different classes of educational institutions should conform.

23. Duties of certain persons entrusted with the examination work.-No person,-

- (a) who is appointed as a paper setter at any examination shall supply or cause to be supplied the question paper drawn by him or a copy thereof or communicate the contents of such paper to any person or give publicity thereto in any manner except in accordance with the instructions given to him in writing by his appointing authority in this behalf; or
- (b) who is entrusted with the work of printing, cyclostyling typing or otherwise producing copies of any question paper set for the purposes of any examination shall supply or cause to be supplied a copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance

with the instructions given to him in writing by the authority which entrusted the work to him; or

- (c) who is entrusted with the custody, or is otherwise in possession of any question paper set for the purposes of an examination shall supply or distribute or cause to be supplied or distributed any copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner except in accordance with the instructions given to him in writing by the authority which entrusted the custody or give possession thereof to him.

24. Prohibition of copying at examination, etc.- (1) A person shall in or near an examination hall copy answers to the question papers set at the examination, from any book, notes or answer papers of other candidates or commit any other malpractices:

Provided that nothing in this section shall preclude a person from taking such assistance from books or materials as is permissible under the rules governing such examination.

25. Prohibition of impersonating at examinations.- No person shall appear or write at any examination for or on behalf of any other candidate.

26. Prohibition of loitering near examination's center etc.- No person, save in the discharge of his duties or orders of his superiors, shall during the hours when an examination is conducted or any evaluation or tabulation work relating to any examination is done and one hour preceding the commencement of such examination, evaluation or tabulation work, loiter within the premises wherein the examination is held or evaluation or tabulation work is done or at any public or private place within a distance of one hundred meters from such premises:

Provided that nothing contained in this section shall apply in respect of *bonafide* activities of any such person.

27. Alteration of the answers written at an examination, etc.- No person shall,-

- (a) save in accordance with the rules or orders governing the conduct of an examination,-
 - (i) change, modify, vary or alter the answers written by an examinee at such examination; or (ii) introduce additional answer books or sheets into an answer script or remove or substitute the answer scripts or any part thereof;
- (b) intentionally or knowingly,-
 - (i) make incorrect entries in an answer script or marks register or marks card; or
 - (ii) total or retotal wrongly the marks obtained by any candidate; or
 - (iii) feed wrong data to the computer,intending thereby to wrongfully increase or decrease the marks awarded or to be awarded to the examinee at an examination.

28. Duty of employees of educational institutions to do examination work.- Notwithstanding anything contained in any law for the time being in force or in any contract or any Judgment, decree or order of any court or tribunal, it shall be the duty of every officer, teacher or other employee of every educational institution and every person in the service or pay of or remunerated by any educational institution to do any work assigned to him, in connection with any examination.

CHAPTER V

CLASSIFICATION AND REGISTRATION OF EDUCATIONAL INSTITUTIONS

29. Classification of educational institutions.- The educational institutions shall be classified as follows:-

- (a) state institutions, that is to say, educational institutions established or maintained and administered by State Government;
- (b) local authority institutions, that is to say, educational institutions established or maintained and administered by a local authority, and
- (c) private educational institutions, that is to say,, educational institutions established or maintained and administered by any person or body of persons registered in the manner prescribed.

30. Educational institutions to be registered.-

- (1) Save as otherwise provided in this Act, every local authority institution and every private educational institution established on or before the date of commencement of this Act or intended to be established thereafter, shall notwithstanding anything pertained in any other law for the time being in force, be registered in accordance with this Act and the rules made thereunder.
- (2) No person or local authority shall establish or as the case may be, run or maintain an educational institution requiring registration under this section, unless such institution is so] registered.

31. Procedure for registration of educational institutions.-

- (1) Any local authority or any person or registered body of persons intending to,-
 - (a) establish an institution imparting education, or
 - (b) maintain an institution imparting education to be established on or before the date of commencement of this Act and in existence on such date, shall make an application for registration of such institution to the registering authority within such period and in such manner along with such fee as may be prescribed.
- (2) While registering an institution under sub-section (1), the registering authority shall have due regard to the following matters, namely:-
 - (a) that there is need for providing educational facilities to the people in the locality or for the type of education intended to be provided by the institution;
 - (b) that there is adequate financial provision for continued and efficient maintenance of the institution as prescribed by the competent authority;
 - (c) that the institution is proposed to be located in sanitary and healthy surroundings;
 - (d) that the site for the building, playground and garden proposed to be provided and the building in which the institution is proposed to be housed conform to the rules prescribed therefor;

- (e) that the teaching staff qualified according to rules made by the State Government in this behalf, is or shall be appointed; and
 - (f) that the application satisfies the requirements laid down by this Act and the rules and orders made thereunder.
- (3) The registering authority shall within a period of three months from the date of receipt of the application,-
- (a) register the institution and issue a certificate in the prescribed form, if the conditions specified prescribed for registration have been complied with or
 - (b) specify or extend from time to time, the period for compliance with such conditions:
- Provided that the registering authority, may if it deemed necessary, obtain and consider a report on the need for such institution from the expert body constituted under section “ before granting or refusing the registration.
- (4) Where any period is specified or extended under clause (b) of sub-section (3), the registering authority may register institution if the conditions prescribed or specified for register have been fulfilled within such period and issue a certificate the prescribed form but shall refuse registration where there has been no such compliance. Every order of refusal shall disclose the grounds for such refusal and shall be in writing and shall be communicated to the concerned applicant.
- (5) The Governing Council of an educational institutions registered under this section shall give intimation to registering authority of any change in any of the particulars furnished under sub-section (1) or of closure of the institutions in such form, in such manner and within such time as may be prescribed and the registering authority shall, on receipt of such intimation, amend the register and the registration certificate wherever necessary or, as the case may be, cancel the certificate

32. Upgradation of educational institutions etc.-

- (1) Any local authority or any person or registered body of persons intending to-
 - (a) open higher classes in an institution registered under this Act imparting education; or
 - (b) upgrade any such institution,
 may make an application to the registering authority for grant of permission therefor within such period and in such form accompanied by such fee as may be prescribed.
- (2) Subject to such rules as may be prescribed, the provisions of sub-sections (2) and (3) of section 31 shall, *mutatis mutandis*, apply to the granting of permission on such application.
- (3) Where permission is granted under this section the certificate of registration issued to the institution shall be altered or modified accordingly.

33. Registration of a recognised educational institution.-

- (1) Notwithstanding anything contained in section 30, the registering authority shall register a local authority institution or a private educational institution if such

institution has been recognised by the State Government or the authority competent to grant such recognition, as the case may be, before the date of commencement of this Act, in accordance with the rules or orders applicable to such recognition and the local authority or the Governing Council, as the case may be, files a statement in the prescribed form before the registering authority within a period of six months from such date.

- (2) No fee shall be payable for the registration of an educational institution under sub-section (1).
- (3) Notwithstanding anything in sub-section (1), where the registering authority is of opinion that a local authority institution or a private educational institution does not conform to the provisions made by or under this Act, it may direct the local authority concerned or as the case may be, the Governing Council of the private educational institution to bring it in conformity with the same within such period or extended period as it may allow.

34. Cancellation of registration.-

- (1) Where it appears to the registering authority that in respect of any private the educational institution or a local authority institution,-
 - (a) any condition for registration prescribed or specific under sub-section (2) of section 31 or the provisions of this Act or the rules made thereunder relating to registration are violated; or
 - (b) the local authority or the Governing Council to which a direction was given under sub-section (3) of section 33 has contravened the direction,
it may, after holding such enquiry as it deems fit, send report to the competent authority recommending the cancellation of registration of such institution.
- (2) The competent authority may upon the receipt of the -report under sub-section (1), after giving the local authority or the Governing Council an opportunity of being heard, order the: cancellation of the certificate of registration of the institution and the removal of its name from the register. Every such order shall be communicated to the local authority or the Governing Council and to the registering authority.

35. Registration of Tutorial Institutions.-

- (1) (a) On or after the commencement of this Act, no tutorial institution shall be started without prior registration and an application for such registration shall be made to the registering authority in the prescribed manner along with such fee as may be prescribed;
- (b) In the case of a tutorial institution in existence at the commencement of this Act, any person or body of persons managing such institution shall within ninety days from such commencement make an application for registering to the registering authority and if no such application is so made or if registering authority communicates to him an order refusing the registration of institution under sub-section (2), the person or body of persons managing such institution shall not run the institution from the date of expiration of ninety days aforesaid or the date of communication of such order of refusal as the case may be.

- (2) On receipt of an application under sub-section (1), the registering authority may, after satisfying itself whether or not the application contains all the prescribed particulars and that the tutorial institution complies with the minimum requirements prescribed in regard to the sanitary condition of the premises and the qualifications of the teaching staff, either register the tutorial institution in a separate register to be maintained for the purpose or refuse the registration, and shall, where it so registers the institution, issue in the prescribed form a registration certificate in the name of the tutorial institution.
- (3) The person or body of persons managing every tutorial institution so registered, shall submit to the registering authority within two months after the end of every academic year, an annual report regarding the coaching facilities provided by it during the academic year.
- (4) The persons or body of persons managing every tutorial institutions so registered shall give intimation to the registering authority of any change in any of the particulars furnished under sub-section (2), or of closure of the institution, in such form, in such manner and within such time as may be prescribed, and registering authority shall, on receipt of such intimation, amend the register referred to in sub-section (2) and the registration certificate wherever necessary, or as the case may be cancel the certificate and notify the same.
- (5) Where the person or body of persons managing any tutorial institution has, in the opinion of the registering authority, contravened any of the conditions subject to which registration certificate is issued, the registering authority after giving the person or body of persons an opportunity making a representation, cancel the registration certificate or remove the name of the institution from the register referred to in sub-section (2) and notify the same.

CHAPTER VI

RECOGNITION OF EDUCATIONAL INSTITUTIONS, ETC.

36. Recognition.-

- (1) Recognition may be accorded to any educational institution registered under this Act in accordance with the provisions of this Act and the rules made thereunder
- (2) The granting of recognition shall be subject to fulfillment of the following conditions, namely:-
 - (a) security deposit of the prescribed amount shall made within the time specified;
 - (b) the Governing Council shall possess or be assured of adequate funds to run the institution on a stable footing; and
 - (c) such other general or special conditions as may be prescribed in regard to accommodation appointment of teaching and other staff, the code of conduct to be accepted and observed by Governing Council, furniture and equipment, syllabi text-books and such other matters relating thereto
- (3) Any local authority or Governing Council seeking recognition, as the case may be, for a local authority institution or a private educational institution shall make an application the competent authority furnishing such particulars and in such manner

and accompanied by such fee as may be prescribed.

- (4) The competent authority after satisfying itself that the application is in accordance with the rules, may dispose the application in accordance with sub-sections (6) to (8), or if deemed necessary forward the application to the expert body for obtaining its report under clause (b) of sub-section (1) of section 37.
- (5) The expert body receiving the application forwarded under sub-section (4) shall return it to the competent authority along with its report within such time as may be prescribed.
- (6) The competent authority, after considering the report, if any, received from the expert body and after holding such inspection or enquiry as it may deem necessary shall, by order, in writing,-
 - (a) grant recognition, where the conditions for recognition applicable to such institutions are fulfilled; or
 - (b) grant approval provisionally subject to the fulfillment of the conditions for recognition within a period specified or extended from time to time by such authority.

Provided that the educational institution shall not admit any fresh batch of students during the period of such provisional approval.

- (7) If a period is specified or extended under sub- clause (b) of sub-section (6), the competent authority may immediately after the expiry of such period, obtain from the expert body, a report or a further report under section 37. The competent authority, after considering the report or the further report, if any, and holding such inspection or enquiry as may be deemed necessary shall, by order in writing grant recognition where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing, refuse recognition where such conditions are not fulfilled:

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

- (8) Every order of grant or refusal of recognition passed under this section shall be communicated to the registering authority and to the applicant.

37. Expert body.-

- (1) The State Government shall subject to such rules, as may be prescribed, constitute such number of bodies of experts as may be deemed necessary, -
 - (a) to consider the need for providing educational facilities to the people in the locality or for the of education;
 - (b) to consider whether the special conditions, if any for recognition applicable to any institution have been fulfilled by such institution;
 - (c) to recommend to the State government from time to time, modifications or changes in the conditions for recognition; and
 - (d) to make recommendations to the State Government or the competent authority

on such other matter as may be referred to it by the State Government or the competent authority.

- (2) The board of experts constituted under sub-section (1) shall in accordance with the rules prescribed thereunder submit its report or further report to the competent authority or the State Government, as the case may be.

38. Recognition of existing institution, etc.-

- (1) Notwithstanding anything contained in section 36,-
 - (a) educational institutions established and run by the State Government or by any authority sponsored by the Central or State Government or by a local authority and approved by the competent authority in accordance with such conditions as may be prescribed shall be deemed to be educational institutions recognised under this Act;
 - (b) all educational institutions or any local authority institutions other than those specified in clause (a) imparting education, which are established and recognised in accordance with rules in force immediately before the commencement of this Act and in existence at such commencement shall be deemed to be educational institutions established and recognised under this Act, provided they comply with the provisions of this Act and the rules made thereunder within such period and in accordance with such procedure as may be prescribed.
- (2) Any private educational institution imparting education which is in existence at the commencement of this Act but which has not been recognised in accordance with the rules in force immediately before such commencement shall discontinue to impart education from such commencement, unless within sixty days of such commencement, an application for recognition is made, in accordance with the provisions of this Act and the rules made thereunder and every such application shall be disposed of within sixty days of its receipt by the competent authority. No person shall run any such institution after the application for recognition is rejected.

39. Withdrawal of recognition.-

- (1) Where any local authority or the Governing Council of any private educational Institution,
 - (a) fails to fulfill all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers;
 - (b) denies admission to any citizen on ground of religion, race, caste, language or any of them.
 - (c) directly or indirectly encourages in the educational institution any propaganda or practice wounding the religious feelings of any class of citizens of India or insulting religion or the religious belief of that class
 - (d) employs or continues to employ any teacher whose certificate has been cancelled or suspended by the competent authority after due enquiry or who has been considered by the competent authority after due enquiry to be unfit

or undesirable to be a teacher or fails to comply with the orders of competent authority in this regard;

- (e) fails to remedy the defects in the instruction or accommodation or deficiencies in the management or discipline within such time as may be specified therefor by the competent authority;
 - (f) contravenes any of the provisions of this Act, the rules and orders made thereunder, the competent authority may, for reasons to be recorded in writing, withdraw the recognition of the institution or take such other action as is deemed necessary, after giving to the local authority or as the case may be the Governing Council an opportunity of making its representation against such withdrawal or action
- (2) Where the State Government is of the opinion that the recognition granted to any local authority institution or private educational institution should, in the public interest be withdrawn they may after giving to the local authority or as the case may be the Governing Council of the institution one month's notice to make any representation, withdraw by notification the recognition granted to the said institution.
- (3) Notwithstanding anything contained in any other law for the time being in force, no educational institution which has not been recognised, or the recognition of which has been withdrawn under this Act shall be entitled to,-
- (a) receive any grant-in-aid from the State funds or other financial assistance or other facilities from the Government;
 - (b) send up or present candidates for examinations in courses of study conducted by a University or the Government.

CHAPTER VII

MANAGEMENT OF RECOGNISED PRIVATE EDUCATIONAL INSTITUTIONS AND LOCAL AUTHORITY INSTITUTIONS, ETC.

40. Duties of management of local authority institution.-

- (1) It shall be the duty of the management of local authority institution to comply with all the provisions of this Act and the rules or orders made thereunder.
- (2) Without prejudice to the generality of the fore-going provision, it shall be the duty of the management of a local authority institution,-
 - (a) to ensure that all monies collected by or granted or allotted to the local authority by or under this Act, are expended for educational purposes; and
 - (b) to submit every year before such date and to such authority, as may be prescribed, an annual report relating to the administration of the local authority institution and an annual budget estimate relating thereto.

41. Management of recognised educational institutions.-

- (1) No recognised private educational institution shall be managed except in conformity with the rules which the State Government may frame for such institutions after previous publication.

- (2) The rules under sub-section (1) may, *inter alia*, includes
 - (a) qualification for posts of teaching and non-teaching employees;
 - (b) the manner of recruitment of the teaching and non teaching employees;
 - (c) scales of pay and allowances admissible;
 - (d) leave, pension, provident fund, insurance and such other benefits;
 - (e) maintenance and enforcement of discipline of employees;
 - (f) powers, functions and responsibilities of the management;
 - (g) duties and responsibilities of the Secretary; and
 - (h) maintenance and submission of records, accounts and other returns to the prescribed authority.
- (3) While recruiting the teaching and non-teaching employees, every recognised educational institution shall comply with the orders issued by the State Government from time to time for reservation of posts to Scheduled Castes, Scheduled Tribes and other backward classes of citizens and the weaker sections of people.
- (4) The Governing Council shall have the power to appoint the head of the institution and also to take disciplinary action against him according to the prescribed rules.
- (5) if there is a change in the Governing Council of the institution or change in the location of the institution a fresh application for recognition shall be made as if it was a newly started institution.

42. Managing Committee.-

- (1) Every recognised private educational institution shall have a Managing Committee by whatever name called.
- (2) the Managing Committee shall be reconstituted once in two years.
- (3) the Managing Committee shall consist of not less than eleven and not more than fifteen members nominated by the Governing Council, of whom not less than three including the academic head of the institution and two members of the teaching staff shall be representatives of teachers of the institution and at least two others shall be representatives of parents selected in accordance with the prescribed rules:

Provided that,-

- (a) such members of the staff shall be nominated by rotation according to seniority for a period of two years each; and
- (b) where the institution has less than three members of the teaching staff, all of them shall be representatives of the teachers:

Provided further that not more than two persons who are close relations shall be nominated as members of the Managing Committee. For the purpose of this proviso close relations means, spouses, parents, children, brothers, sisters, brothers-in-law, Sisters-in-law, sons-in-law, daughters-in-law, parents-in-law, father's brothers and sisters, mother's brothers and sisters, bothers or sister's sons or daughters.

Explanation.- The number mentioned in this sub-section shall be in addition to the representatives, if any, of the University Grants Commission, the Medical Council of India, the All India Council for Technical Education, the State Government or the University concerned, required by or under any law for time being in force.

- (4) Notwithstanding anything contained in sub-sections (1) to (3), the Board of trustees or Governing Body or wakf body by whatever name called, constituted or appointed under other law for the time being in force relating to charitable religious institutions and endowments and wakfs, shall deemed to be a Managing Committee constituted under the sub-section.

43. President and Secretary.-

- (1) There shall be a President and Secretary for every Managing Committee appointed from among its members:

Provided that no employee of the private educational institution other than its academic head shall be chosen as the secretary:

Provided further that every person who, on the date commencement of this Act, is exercising the powers of secretary, shall be deemed to be the Secretary of the institution

- (2) The Secretary shall, subject to the general superintendence and control of the Managing Committee, be the Chief Executive of the institution in all matters pertaining to the private educational institution and all acts done by the Secretary in connection with the affairs of the educational institution shall be binding on the Governing Council provided that the Governing Council may within a period of fifteen days from the date of the aforesaid acts of the Secretary, modify or cancel such act.
- (3) The Secretary shall be the custodian of all its property and records and shall be responsible for their proper custody, maintenance and safety. He shall exercise such other powers and perform such other duties as may be prescribed.

44. Removal of the Secretary.- Notwithstanding any-thing contained in section 43, if at any time the competent authority is satisfied that the Secretary is not managing the private educational institution in accordance with the provisions of this Act and the rules, it may direct the Governing Council to replace the Secretary by another person. The Governing Council shall be bound to comply with the said direction.

45. Meetings, etc.-

- (1) The Managing Committee shall hold such number of meetings at such place and observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at the meetings) as may be prescribed:

Provided that the Managing Committee shall meet at least once in three months.

- (2) The President or in his absence, any member chosen by the members present shall preside at a meeting.
- (3) All questions at the meeting shall be decided by a majority of votes of the members present and voting and in the case of equality of votes, the person presiding shall have the right to exercise a second or casting vote.

46. Powers and functions of the Managing Committee.-

- (1) Subject to the provisions of this Act and the rules prescribed thereunder, the Managing Committee shall have the following powers and functions, namely:-
 - (a) to carry on the general administration of the private educational institution;
 - (b) to appoint teachers and other employees of the private educational institutions except the head;
 - (c) to take disciplinary action against the teachers and other employees except the head of the institution;
 - (d) to supervise and control the employees of the institution; and
 - (e) any other matters which may be prescribed,
- (2) Any decision or action taken by the Managing Committee shall be communicated by the secretary to the Governing Council within fifteen days there from. Any decision or action taken and so communicated shall be deemed to be the decision or action taken by the Governing Council unless the Governing Council within a period of twenty-one days from the date of receipt of the communication rescinds or modifies it.

CHAPTER VIII

**ADMISSION TO RECOGNISED EDUCATIONAL INSTITUTIONS,
SCALES OF FEES, ETC**

47. Admission etc., to be according to rules.- Admission of students to a recognised educational institution including the maximum number of students to be admitted thereto, their transfers, migrations and removal shall be in accordance with, such rules as may be prescribed.

48. Fees.-

- (1) Subject to any other law for the time being in force, no Governing Council of a recognised educational institution shall levy or collect any fees or charges or donations or other payments, by whatever name called, save such and at such rate and in such manner as may be prescribed.
- (2) The amounts levied or collected under sub-section (1) shall be utilised by the educational institution in accordance with such rules as may be prescribed.

CHAPTER IX

GRANTS-IN-AID

49. Government to set apart sum for giving grant-in-aid to certain recognised institution.-

- (1) The State Government shall within the limits of its economic capacity, set apart a sum of money annually for being given as grant-in-aid (hereinafter in this Act referred to as grant) to local authority institutions and private institutions in the State recognised for this purpose in accordance with rules made in this behalf.

- (2) The rules made under sub-section (1) may also require the institution receiving the grant to comply with any provision for the reservation of appointments or posts in favour of Scheduled Castes, Scheduled Tribes and any backward classes subject to such modification, if any which the State Government may make in the application of such provision to any class or classes of such institutions.

50. Authorities which may sanction grant.-

- (1) The State Government may in such cases as they think fit, by order, sanction grant to any recognised local authority educational institution or private educational institution subject to such conditions as they may impose in the order relating to such grant.
- (2) Every grant sanctioned under sub-section (1) shall be disbursed by the Commissioner of Public Instruction or the Director or such other officer subordinate to the Commissioner or the Director as the State Government may, by general or special order, authorise in this behalf in such manner and subject, to such conditions as may be prescribed.
- (3) The Governing Council of every recognised institution which is receiving any grant out of State funds shall be responsible for the fulfillment of all the conditions subject to which grant has been given.

51. Monies received from sources other than grant

- (1) Subject to any law for the time being in force any money received by way of voluntary donation from donors may be accepted by the institution or the Governing Council and the fact shall be intimated within ninety days from the date of such acceptance to the competent authority. Such money shall be deposited in the account of the institution in such Nationalised or Scheduled Bank as may be approved by the State Government and shall be applied and expended for the improvement of the institution and the development of educational facilities and for such other purposes as may be prescribed.
- (2) Subject to any law for the time being in force no money shall be collected before, during or after admission of any person by any educational institution as a condition precedent to such admission except towards the prescribed fees.

52. Application for sanction of grant and the conditions to be fulfilled on such sanction.-

- (1) Every application for the sanction of grant shall be made to the State Government, in such form as may be prescribed and shall contain a declaration signed by the Governing Council of the recognised institution to the effect that the conditions of recognition and of grant are being and shall continue to be fully observed, that all facilities for inspection of that institution, its accounts, registers and other records relating to the grant shall be afforded to the inspecting staff deputed for the purpose and that all the returns and reports prescribed in this behalf shall be submitted to the competent authority within the time specified by it.
- (2) The State Government may sanction such grant or for good and sufficient reasons refuse to sanction such grant.

- (3) Subject to the other provisions of this Act, any order passed by the State Government refusing to sanction the grant shall be final and shall not be questioned in any court of law.

53. Powers of State Government to withhold, reduce or withdraw grant.-

- (1) Notwithstanding anything contained in this Chapter, the State Government may, after such enquiry as they may deem fit, withhold, reduce or withdraw any grant payable during the year to an educational institution having regard to the funds at the disposal of the State Government or the conduct and efficiency and the financial condition of such institution, after giving an opportunity to the Governing Council of the institution concerned of making a representation against such withholding, reduction or withdrawal.
- (2) Without prejudice to the generality of the provisions of sub-section (1) or any other provision of this Act, the State Government may, after such enquiry as they may deem fit, withhold, reduce or withdraw any grant payable to any educational institution if the Governing Council of the institution concerned,-
- (i) fails to fulfil all or any of the conditions of grant;
 - (ii) denies admission to any citizen on grounds only of religion, race, caste, language or any of them;
 - (iii) allows any employee of the institution to take part in any agitation intended to bring or attempt to bring into hatred or contempt or intended to excite or attempt to excite disaffection towards the Government established by law in India;
 - (iv) directly or indirectly, encourages any propaganda or practice of wounding the religious feelings of any class of citizens of India or insulting the religion or the religious beliefs of that class;
 - (v) is guilty of falsification of registers or misuse of funds for purposes other than those for which they are collected;
 - (vi) fails to remedy within such reasonable time as specified by the competent authority the defects in the maintenance of accounts pointed out by the auditors; or
 - (vii) fails to restore, within the time specified by the competent authority, an employee whose services have been wrongfully dispensed with or fails to pay him any arrears of salary or other benefits where directed to do so by the competent authority.
- (3) Subject to the other provisions of this Act every order passed under this section shall be final and shall not be questioned in any court of law,

54. Utilisation of funds and movable property of private institutions.-

- (1) All the monies received or held by or on behalf of every private institution shall be utilised for the purposes for which they are intended, and shall be accounted for by the Governing Council in such manner as may be prescribed.

- (2) All the monies received or held by or on behalf of every private institution shall be deposited in a Bank.
- (3) The surplus fund of every such institution shall be invested in such manner as may be prescribed and shall be utilised towards educational development only.

Explanation.- For the purpose of this section “surplus fund” means all the monies that remains unused with the institution at the beginning of each academic year, after providing for all the objects, needs, requirements or improvements of the institution during the previous three academic years.

CHAPTER X

ACCOUNTS, AUDIT, INSPECTION AND RETURNS

55. Accounts.- Every educational institution receiving grants out of State funds and other sources shall maintain accounts in such manner and containing such particulars as may be prescribed.

56. Annual audit of accounts.-

- (1) The accounts of every educational institution receiving grants out of State funds shall be audited at the end of every academic year in such manner, after following such procedure and by such authority, officer or person as may be prescribed and different authorities, officers or persons may be prescribed for different classes of educational institutions.
- (2) (a) The prescribed authority, officer or person shall have full access to the account books and other documents required to be maintained by the educational institution in respect of grants received by it out of State funds and shall send a copy of the report on the audit of the accounts under subsection (1) to the competent authority who shall forward the report to the educational agency;
(b) The educational agency shall, within such time as may be prescribed, submit that report together with the comments of that agency to the competent authority.

57. Inspection or inquiry etc.-

- (1) The State Government or the competent authority may suo motu or otherwise cause an inspection of or inquiry in respect of any educational institution, its accounts, its buildings, laboratories, libraries, workshops and equipments and also of the examinations, teaching and other work conducted or done by the institution to be made by such person or persons as it may direct or to cause an inquiry to be held in respect of examination, working and financial conditions of such institution or of any other matter connected with institution in accordance with such rules as may be prescribed
- (2) The Governing Council and the employees of the educational institution shall at all reasonable times be bound afford to the aforesaid officer all such assistance and facilities as may be required for the purpose of such inspection or inquiry
- (3) The officer empowered under sub-section (1) shall the following powers, namely:-

- (a) he shall, at all reasonable times have access the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the Governing Council and may summon any person in possession or responsible for the custody of such books, accounts, documents, securities cash or other properties to produce the same any place as he may direct;
 - (b) he may summon any person who, he has rea to believe has any knowledge as to the affairs the educational institution to appear before him a may examine such person on oath.
- (4) The State Government or the competent authority shall communicate to the educational agency the views of suh authority with reference to the result of such inspection or inquiry and may after ascertaining the opinion of the educational agency thereon advise that agency upon the action to be taken.
- (5) The educational agency shall report to the State Government or the competent authority as the case may be the action, if any which is proposed to be taken or has been taken upon the results of such inspection or inquiry. Such report shall be furnished within such time as the State Government or the competent authority may direct.
- (6) Where the educational agency does not, within a reasonable time, take action to the satisfaction of the State Government or the competent authority, they may, after considering any explanation furnished or representation made by the educational agency, issue such directions as may deem fit, and the educational agency and the head of the institution shall comply with such directions and shall be responsible for the implementation of every such direction.
- 58. Furnishing of returns etc.-** Every educational agency shall within such time or within such extended time as may be fixed by the competent authority in this behalf, furnish to the competent authority such returns, statistics and other information as the competent authority may from time to time, require.

CHAPTER XI

PROHIBITION OF TRANSFER OF PROPERTIES BY AIDED EDUCATIONAL INSTITUTIONS.

59. Definitions.- In this Chapter,-

- (a) "Governing Council" means the owner, trustee or other person who has power to transfer any land or building belonging to an educational institution and includes a local authority;
- (b) "transfer" includes sale, exchange, mortgage, charge, lease or gift.

60. Prohibition of transfer of lands and buildings by educational institutions without the permission from Government in certain cases.-

- (1) Where before or after the commencement of this Act,-
 - (a) any land or building has been acquired, constructed, improved or altered for the purposes of any educational institution with the aid of any grant made from the State funds;

- (b) any land or building has been transferred by Government for use for the purposes of educational institution, then notwithstanding anything to the contrary in any other for the time being in force or in any deed of transfer or other document relating to the land or building, it shall not transferred without the permission of the State Government under sub-section (2) nor shall the land or building be used any purpose other than the purposes of the educational institution or purposes ancillary thereto without the permission of the State Government.
- (2) The State Government may, by order in writing permit the transfer of any such land or building, subject to such conditions as it may impose, if,-
 - (a) the transfer is made in furtherance of the purposes of the educational institutions or of ancillary purposes approved by the State Government and the proceeds of such transfer are to be wholly utilised in furtherance of the said purposes;
 - (b) the transfer is made only in part in furtherance the purposes aforesaid, provided repayment is made to the State Government of such portion as the State government may direct in the circumstances of the case, of the grant referred to clause (a) of sub-section (1) or of the current market value of the land or building referred to in clause (b) of sub-section (1) of both, as the case may be;
 - (c) the transfer is made for any other valid reason provided repayment is made to the State Government in full the grant referred to in clause (a) of sub-section (1) or of current market value of the land or building referred to in clause (b) of sub-section (1) or of both, as the case may be.
- (3) Any transfer of land or building made without obtaining the permission of the Government under sub-section (2), shall be null and void.

61. Consequence of breach of provisions of section 60.- Where, in any case, the State Government, after giving the Governing Council of the educational institution concerned an opportunity to make its representation in regard to the matter, is satisfied that the provisions of sub-section (1) of section 60 have been contravened in respect of any land or building it may, by order,-

- (a) if the land or the land together with the building standing thereon belonged to the State Government and was transferred by it for the purposes of the educational institution, direct the Deputy Commissioner to take possession of the land or may land together with the building standing thereon as the case be, or at their option, direct the Governing Council to pay to tin full, the current market value of the land or of the land together with that of the building where it was also transferred by it and also the amount of the grant, if any, made by the State government for improving the land or altering or constructing *the* building; and
- (b) if the land or the building, if any, standing thereon does not belong to the State Government, direct the Governing Council to repay in full the grant made by the State Government with interest from the date of the contravention, at such rate as may be notified by the State Government.

62. Effect of Orders under sub-section (2) of section 60 and 61.-

- (1) Every order passed by the State Government under sub-section (2) of section 60 or section 61 shall, subject to the provisions of sub-sections (2) and (3), be final.
- (2) The Governing Council of the institution not being a local authority, in respect of which such an order is passed, may on the ground that the amount repayable or payable by or to it has been wrongly fixed in the order, apply within sixty days from the date on which the order is received by it to the District Judge having jurisdiction over the area in which the proper question is situated for fixing such amount correctly in accordance with the provision of sub-section (2) of section 60 or section 61, as the case may be.
- (3) The District Judge shall determine the amount which is properly repayable or payable by or to the Governing Council in accordance with the provisions of sub-section (2) of section 60 or section 61, as the case may be and such determination shall be final.

63. Land or building to vest in Government absolutely on possession being taken.-

- (1) When, in pursuance order under section 61, the Deputy Commissioner take possession of any land or building by himself or through another it shall vest absolutely in the State Government free from all encumbrances.
- (2) If the Deputy Commissioner or any person authorised by him in this behalf is opposed or impeded in taking possession of any land or building under this Chapter he shall, if he is a Magistrate, enforce the surrender of such land or building to himself and if he is not a Magistrate, he shall apply to a Magistrate and such Magistrate shall enforce the surrender of the land or building to the Deputy Commissioner.
- (3) Whoever opposes or impedes the Deputy Commissioner or any person authorised by him in taking possession of any land or building under this chapter shall be punished with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.

64. Recovery of sums due under this chapter.- Any sum required to be repaid or paid to the State Government in pursuance of section 60 or section 61 or section 62 may, without prejudice to any modes of recovery provided in any other law for the time being in force, be recovered from the properties of the institution or from the Governing Council thereof as if it were an arrear of land revenue due from such educational institution or Governing Council.

65. Court not to attach, sell etc., in the absence of permission of the State Government.-

- (1) No land or building referred to in sub-section (1) of section 60 shall be liable to be attached, sold or made subject to a charge by any court whether in execution of a decree or order or otherwise, unless the person seeking such relief from the court has obtained the permission of the State Government to do so and files such permission in court.
- (2) When granting such permission, the State Government may impose such conditions as it deems fit.

- (3) If any such land or building is attached or sold, or a charge is created thereon by any court without obtaining and filing the permission of the State Government as aforesaid or if any condition imposed by it when granting such permission is contravened, then the attachment, sale or charge, as the case may be, shall be null and void.

CHAPTER XII

TAKING OVER OF MANAGEMENT, REQUISITIONING AND ACQUISITION OF EDUCATIONAL INSTITUTIONS.

66. Definitions.- In this chapter, -

- (a) “educational institution” means any school, college other institution for imparting education which is managed by an individual, body or local authority and is recognised by the State Government.
- (b) “persons interested” includes all persons claiming or entitled to claim interest in the amount payable on account of the taking over of the management of the educational institution or requisitioning or acquisition of the property used for the purposes of an educational institution or of any other institution connected therewith under this Act.

67. Taking over of management of educational institutions in public interest.-

- (1) Where the State Government is of opinion that the management of any educational institution should either in the public interest or in order to secure the proper management of the said educational institution be taken over, it may, after giving one month’s notice to the person or body of persons incharge of the management of such educational institution to make any representation, direct by notification, that the management of the said educational institution shall with effect on and from the date specified the vest in the State Government ¹[for a period of one year]¹:

Provided that no private educational institution under the management of a Religious Institution, Endowment or a Wakf shall be taken over without the prior consent of such management:

²[Provided further that if the State Government is of the opinion that in order to secure the proper management of the educational institution, it is expedient that such management should continue to vest in the State Government after the expiry of the said period of one year, it may issue direction for the continuance of such management for a further period not exceeding one year as it may think fit, so however, the total period for which such management shall continue to vest in the State Government shall not, in any case, exceed two years.]²

- (2) The educational institution referred to in sub-section (1) shall be deemed to include all assets, rights and lease holds, power authorities and privileges and all property, movable and immovable, including lands, buildings, stores instruments and vehicles,

1. Substituted by Act 8 of 1998 w.e.f. 11.4.1998.

2. Inserted by Act 8 of 1998 w.e.f. 11.4.1998.

cash balances, revenue fund, investments and book debts and all other rights and interests arising out of such property as were immediately before the date of taking over of the management under sub-section (1) (hereinafter in this Chapter referred to as the date aforesaid) in the ownership, possession, power or control of the management of such educational institution and all books of account, registers and all other documents of whatever nature relating thereto.

- (3) Any contract, whether express or implied, or other arrangement (not being a contract) or agreement specified in section 61 in so far as it relates to the management of the “educational institution and in force immediately before the taking over, shall be deemed to have terminated on the date aforesaid.
- (4) All persons, in whom the management of the educational institution vested immediately before the taking over shall, as from the date aforesaid, cease to be so vested and shall be deemed to have vacated their offices as such on the date aforesaid.
- (5) Notwithstanding anything in any other law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3) or who ceases to hold any office by reason of the provisions contained in subsection (4) shall be entitled to claim any compensation for the Premature termination of the contract of management or other arrangement or for the cessation of management or for the loss office, as the case may be.
- (6) Notwithstanding any judgement, decree or order of any court, tribunal or other authority or anything contained in any other law for the time being in force, every person in whose possession or custody or under whose control the educational institution or any part thereof or any properties attached thereto vest shall transfer the same to the special officer appointed by the State Government for the purpose of carrying on the management of such educational institution for and on behalf of the State Government, or where no special officer is appointed to such other person as the State Government may direct.
- (7) For the removal of any doubt, it is hereby declared that any liability incurred by the private management in relation to the educational institution before the taking over shall be enforceable against the said Governing Council and not against State Government or the Special Officer.
- (8) The amount payable in respect of the vesting in the State Government or the Governing Council of an educational institution under sub-section (1) shall be an amount equal to the average net annual surplus income of such educational institution during the period of its existence, or the period of five consecutive accounting years immediately preceding the date of such vesting whichever is less:

Provided that no such amount shall be payable if the trust or Governing Council under which the educational institution is founded makes provision for the running of such institution.

Explanation.- In this sub-section, the expression “accounting year” means the period beginning on the 1st day of July of any year and ending on the 30th day of June of the year next following.

- (9) The amount payable under sub-section (8) shall subject to rules made under this Act, be paid by the competent authority to the person interested in the educational institution in such manner and within such time as may be prescribed.

[67A. Relinquishment of management of educational institutions.-

- (1) After the expiry of the period specified in subsection (1) of section 67, the management of educational institution shall vest in accordance with the order, if any, of any court and if there be no such order, vest in the Governing Council or managing committee (by whatever name called) of such educational institution or such other body or person, as the case may be, entitled thereto.
- (2) If at any time before the expiry of the period referred to in sub-section (1) of section 67, it appears to the State Government that the purpose of vesting of the management of educational institution in the State Government has been fulfilled or that for any other reason it is not necessary that the management of such educational institution should remain vested in the State Government, it may, by order published in the official gazette, relinquish the management of such educational institution with effect from such date as may be specified in the order.
- (3) On and from the date specified under sub-section (1) the management of the educational institution shall be transferred in accordance with the order, if any, of any court, and if there be no such order, shall be transferred to the Governing Council or managing committee (by whatever name called) of the educational institution or such other body or person, as the case may be, entitled thereto.]¹

68. Power to terminate contract of employment.- If the State Government or the Special officer appointed under section 67 is of opinion that any contract of employment entered into by the Governing Council in relation to the educational institution at any time before taking over is unduly onerous, it or he may, by giving to the employee one month's notice in writing or salary or wages for one month in lieu thereof, terminate such contract of employment.

69. Contracts etc., made in bad faith may be cancelled or varied.-

- (1) If the State Government is satisfied, after such enquiry as it may think proper, that any contract or agreement entered into at any time within a period of two years immediately preceding the date aforesaid between the Governing Council in relation to the educational institution and any other person, in relation to any service, sale or supply to, or by the educational institution and in force immediately before the taking over has been entered into in bad faith or is found detrimental to the interest of the educational institution, it may make, within one hundred and eighty days from the date aforesaid an order cancelling or varying (either unconditional or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except giving to the parties to the contract or agreement one month's notice to make a representation in this regard.

1. Inserted By Act 8 of w.e.f 11-4-1998

- (2) Any person aggrieved by an order under sub-section (1) may, within thirty days from the date of communication of the order, make an application to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the educational institution is situated for the variation or reversal of such order and there-upon such court may confirm, modify or reverse such order.

70. Avoidance of voluntary trusts.- Any transfer of property, movable or immovable, or any delivery of goods made by or on behalf of the educational institution (not being a transfer or delivery made in the ordinary course of transaction or in favour of a purchaser for valuable consideration and in good faith), if made within a period of one year immediately preceding the date aforesaid, shall be void as against the Government or the special officer, as the case may be.

71. Requisitioning of an educational institution.-

- (1) Where recognition or permission granted to an educational institution is withdrawn by the State Government under subsection (2) of section 39 or otherwise, or where an educational institution is closed before the last working day of an academic year and if the State Government consider it necessary to requisition any property movable or immovable, which before the withdrawal of the recognition or permission or the closing of the institution or of any other institution connected therewith, such as hostel for students, quarters for the residence of employees or playground, then notwithstanding anything to the contrary in any other law for the time being in force, the State Government may, within three months from the withdrawal of the recognition or permission or the closing of the educational institution, as the case may be, requisition such property and make such further orders as appears to it to be necessary or expedient in connection with the requisition.
- (2) Before requisitioning any property under sub-section (1), the State Government,-
- (a) shall call upon the Governing Council or any other person who is in possession of the property by notice in writing to show cause, within fifteen days of the date of the service of such notice to him why the property should not be requisitioned and shall consider the objections, if any, shown by the Governing Council or other person, and
 - (b) may, by order, direct that the Governing Council or any person shall not, without permission of competent authority, dispose of, structurally alter, lease or in any manner deal with, the property until the expiry of such period, not exceeding three months, as may be specified in the order.
- (3) Where any property is requisitioned under sub-section (1) the Government may,-
- (a) use or deal with such property for any educational purpose; or
 - (b) by order, permit any person or body or local authority to use or deal with such property for any such purpose, subject to the payment of such rent and other sums to the Government and the observance of such conditions as may be specified in the order.

72. Summary power for taking possession of property.-

- (1) Any person remaining in possession of any property in contravention of an order

issued under section 71 may be summarily dispossessed of such property by an officer empowered by the State Government in this behalf and in the case of a building if free access to it is not afforded to such officer, he may after giving reasonable warning and facility of withdrawing to any women not appearing in public according to the customs in the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

- (2) If any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not below the rank of Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.

73. Release from requisitioning and discharge of liability of the State Government.-

- (1) The State Government may, at any time, release any property requisitioned under this Chapter and in such a case the possession of the property released from requisition shall be delivered to the Governing Council or any person from whose possession the property requisitioned, was taken or if there were no such Governing Council or person, the person deemed by the State Government to be entitled to the possession of such property, and such delivery or possession shall be full discharge of the State Government from all liabilities in respect of that property which any other person may be entitled, by the due process of law, to enforce against the person to whom possession of the property is so delivered.
- (2) Where the person to whom possession of any such property is to be delivered cannot be found or has no agent or other person empowered to accept delivery on his behalf, the State Government shall cause to be published in the official Gazette a notice declaring that the property is released from requisition and in the case of any immovable property, the State Government shall also cause a copy thereof to be affixed, on some conspicuous part of such property.
- (3) When the notice referred to in sub-section (2) is published in the official Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any amount, rent, or other claim in respect of such property for any period after the said date.

74. Acquisition of property.-

- (1) Where any property is vested under sub-section (1) of section 67 in connection with the management of an educational institution or is subject to requisition under sub-section (1) of section 71, the State Government may, if it considers it necessary to acquire the property for any public purpose connected with education, acquire at any time ¹[but before the expiry of the period referred to in sub-section (1) of section 67]¹ such property for the said public purpose by publishing in the Official Gazette a notice to the effect that the State Government has decided to acquire the property in pursuance of this section:

Provided that before issuing such notice, the State Government shall call upon the Governing Council or any other person who in the opinion of the State Government

is the person interested in such property to show cause why the property should not be acquired; and after considering the objections, if any, shown by the Governing Council or other person interested in the property the State Government may pass such orders as it deem fit.

- (2) When notice as aforesaid is published in the Official Gazette, the requisitioned property shall from the day on which the notice is so published, cease to be subject to requisition and vest absolutely in the State Government free from all encumbrances.

75. Principles and methods of determining amount for property requisitioned or acquired.-

- (1) Where any property is requisitioned or acquired under this Act, the amount payable therefor shall be as determined and paid in the manner and in accordance with principles hereinafter set out, that is to say,-
 - (a) where the amount is settled and fixed by agreement it shall be paid accordingly;
 - (b) where there is no such agreement, the State Government shall appoint as arbitrator a person who is holding or has held a judicial office not below the rank of a District Judge, for determining the amount;
 - (c) at the commencement of the proceedings before the arbitrator the State Government and the person to whom the amount is payable shall state what according to them is the fair amount;
 - (d) the arbitrator shall after the enquiry determine the amount which appears to him to be just and specify the person or persons to whom such amount shall be paid and in making the award determining the amount he shall have regard to the circumstances of each case and the provisions of sub-section (2), (3), (4) and (5) so far as they are applicable;
 - (e) where there is any dispute as to the person or persons who are entitled to the amount, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to the amount, he shall apportion the amount amongst such persons according to their rights: and
 - (f) nothing in the Arbitration Act, 1940 (Central Act 10 of 1940) shall apply to arbitrations under this section.
- (2) The amount payable for the requisitioning of any property, movable or immovable, shall in respect of the period of requisition, be a sum equal to the rent which would have been payable for the use and occupation of the immovable property or for the use of the movable property if it had been taken on lease for that period.
- (3) The amount payable for the acquisition of any immovable property under section 74 shall be,-
 - (a) the price which the requisitioned property would have fetched in the open market if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition, or

1. Inserted by Act 8 of 1998 w.e.f. 1 1.4.1998

- (b) twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of requisition, whichever is less.
- (4) The amount payable for the acquisition of any movable property shall be the price which such property would have fetched in the open market if it had been sold on the date of acquisition.
- (5) Where any property requisitioned or acquired under this Act was acquired with the grant from the State funds, the amount of such grant shall be taken into account in the prescribed manner in determining the amount payable.

Explanation.- For purposes of this sub-section, all the property acquired by the educational institution shall be deemed to have been acquired with the aid of such grant, contribution, donation or collection unless the Governing Council of the educational institution proves to the satisfaction of the arbitrator that the property has been acquired otherwise.

76. Payment of amount for property requisitioned or acquired.- The amount payable under the award of arbitrator shall subject to any rules made under this Act, be paid by the competent authority to the person interested in such manner and within such time as may be specified in the award.

77. Appeal from the award of the arbitrator under section 75 in respect of amount.- Any person aggrieved by the award of the arbitrator under section 75 may, within sixty days from the date of such award, prefer an appeal to the High Court:

Provided that the High Court may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

78. Arbitrator to have certain powers of civil court.- The arbitrator appointed under this chapter, while holding arbitration proceedings under this Act, shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence or affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commissions for examination of witnesses.

79. Powers of entry and inspection and calling for information.- The competent authority may, for the purpose of requisitioning or acquiring any property under this Chapter, by order, -

- (a) empower any authority to enter and inspect any property specified in the order liable to be requisitioned or acquired under this Act;
- (b) require any person to furnish to such authority such information in his possession relating to the property as may be specified in the order.

80. Provisions for existing staff of educational institutions.- Notwithstanding anything to the contrary in any contract or agreement or any law for the time being in force the following provisions shall apply in regard to the persons on the staff of the educational institution immediately before the date on which the management of the educational institution is vested in the State Government, namely:-

- (a) the State Government shall have power to terminate the services of any such person for reasons to be recorded in writing after giving him three calendar month's notice in writing or paying him three month's pay in lieu of such notice;
- (b) a person whose services have been retained shall be governed at his option either by the conditions of service as may from time to time be prescribed or by the conditions of service applicable to him immediately before such vesting.

81. Posts of employees of educational institutions vested under this Chapter to be treated as a unit for certain purposes.- The posts in each category of employees of the educational institutions in a district which have vested in the State Government under this Chapter shall be a separate unit for all purposes including seniority, promotion, discharge or reversion for want of vacancies.

CHAPTER XIII

PROVISION FOR ANCILLARY SERVICES IN RECOGNISED EDUCATIONAL INSTITUTIONS

82. Medical Examinations and Health services.-

- (1) The State Government may prescribe rules as to the conduct of medical examinations and medical inspections of students in recognised educational institutions, and such rules, in particular make provision requiring that any class of such examinations or inspections shall be conducted by duly qualified medical practitioners having such special qualifications or experience as may be prescribed, or shall be conducted by a duly qualified medical practitioners selected by any educational authority.
- (2) The State Government shall endeavour to establish an educational health service for the purpose of rendering medical or health assistance to students attending the recognised educational institutions.

83. Provision of meals and refreshments.- The State Government shall endeavour to provide mid-day meals and other refreshments as may be deemed necessary for pupils in attendance at recognised educational institutions. The State Government may make provisions by rules as to the manner in which and the persons by whom the expense of providing such meals or refreshments is to be defrayed, as to the facilities to be afforded and the services to be rendered by the Governing Council with respect to the provision of such meals or refreshments and as to such other consequential matters.

84. Provision of facilities for recreation and physical training.-

- (1) It shall be the duty of every recognised education institution to ensure that the facilities for education provided therein include adequate facilities for recreation and physical training.

(2) The State Government may establish, maintain, and manage or assist the establishment, maintenance and management of camps, vacation classes, playing fields, play and physical education centers and other places at which facilities for recreation sports and training as specified in sub-section (1) are available for persons receiving education in recognised educational institutions.

85. Guidance services.- The State Government shall endeavour to make adequate provisions for giving educational, vocational and personal guidance service to students studying in recognised educational institutions.

86. Library service.- The State Government shall endeavour to make adequate provision for the establishment of school and college libraries in recognised educational institutions and provide the necessary facilities for the proper use of such libraries by the students studying in such institutions.

CHAPTER XIV

TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES IN PRIVATE EDUCATIONAL INSTITUTIONS.

87. Qualifications, conditions of service of employees.- The State Government may after previous publication make rules regulating the recruitment and conditions of service (including right as regards disciplinary matters) of the employees in recognised private educational institutions:

Provided that the minimum qualifications for recruitment, age of recruitment, and retirement and benefits of retirement for employees in educational institutions receiving maintenance grant from the State Government shall be the same as those applicable for the corresponding category of employees, if any, in State Institutions unless otherwise prescribed.

88. Appointment of employees.- No person who does not possess the requisite qualifications prescribed under section 87 shall on and from the date of commencement of this Act be appointed as an employee in a recognised private educational institution.

89. Pay and allowances of teachers and other employees.- The pay and allowances of persons employed in the recognised private institutions shall be paid on or before such day in every month, in such manner and by or through such officer or authority as may be prescribed.

90. Schedule of employment to be maintained.-

(1) Every private educational institution shall maintain a Schedule of employees indicating therein the number of persons in its employment, the name and qualification of each employee, the grade of pay and such other particulars as may be prescribed.

(2) Within three months from the date of commencement of this Act and within a like period after any alteration in such schedule is made, a private educational institution shall submit a copy of the schedule or alterations made therein, as the case may be, to the Director of the Department concerned or such other officer as may be notified for this purpose.

- (3) The Schedule of appointments for the time being in force shall be kept at the office of the private educational institution and shall during office hours, be open free of charge, to inspection by any employee of that private educational institution. The names and qualifications of the teaching staff shall be displayed in a prominent place in the institution.

91. Code of conduct.-

- (1) Every employee of a private educational institution shall be governed by the prescribed code of conduct and if he violates any provision thereof he shall be liable for the prescribed disciplinary action.
- (2) The managing committee may with prior approval of the State Government or any authority authorised in this behalf by the State Government also prescribe standards of conduct to be observed by employees, provided they are not inconsistent with those prescribed under sub-section (1).

92. Dismissal, removal etc.-

- (1) Subject to such rules as may be made in this behalf no teacher or other employee of a private educational institution shall be dismissed, removed or reduced in rank except,-

- (a) in accordance with the conditions of service governing him;
- (b) after an inquiry, in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the said charges, and where it is proposed after such inquiry to impose on him such penalty, it may impose such penalty, on the basis of the evidence adduced during such inquiry:

Provided that this sub-section shall not apply to temporary employees or to the dismissal, removal or reduction in rank of a teacher or other employee on the ground of misconduct which has led to his conviction on a criminal charge involving moral turpitude.

- (2) No order imposing any penalty other than those referred to in sub-section (1) shall be passed except after,-

- (a) the teacher or employee is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation which he may wish to make; and
- (b) such representation, if any, is taken into consideration.

- (3) (a) A teacher or other employee may be placed under suspension by the managing committee,-

- (i) where disciplinary proceeding against him is contemplated or is pending; or
- (ii) where a case against him in respect of any criminal offence is under investigation or trial,

- (b) No such suspension shall remain in force for more than six months:

Provided that if the enquiry is not completed within the period of six months,

the secretary shall report the matter to the competent authority, who may permit extension of the period of suspension beyond six months, if he is satisfied that the enquiry could not be so completed due to circumstances beyond the control of the Governing Council.

- (c) the Managing Committee placing an employee under suspension shall forthwith report to the competent authority the circumstances in which the order was made.
- (d) Subject to such rules *as* may be prescribed, every employee placed under suspension under this section shall be entitled to such subsistence allowance as may be prescribed.

93. Communication of order.-

- (1) Every order of the Managing Committee imposing any penalty or otherwise affecting the conditions of service of an employee to his prejudice, shall be communicated to the employee in the prescribed manner.
- (2) No order which has not been communicated in accordance with sub-section (1) shall be valid or be of any effect whatsoever.

94. Appeals.-

- (1) Any teacher or other employee of a private educational institution who is dismissed, removed or reduced in rank may within three months from the date of communication of the order prefer an appeal to the Tribunal.
- (2) The provisions of sections 4 and 5 of the Limitation Act, 1963 shall be applicable to such an appeal.
- (3) If, before the date of commencement of this Act, any teacher or other employees has been dismissed, or removed or reduced in rank or his appointment has been otherwise terminated and any appeal preferred before that date,-
 - (a) by him against such dismissal or removal or reduction in rank or termination; or
 - (b) by him or by the Governing Council against any order made in any appeal referred to in clause (a); is pending before any officer, such appeal shall, notwithstanding anything in sub section (1), stand transferred to the Tribunal, if he makes an application in that behalf to such officer.
- (4) The Tribunal shall dispose of the appeal filed under sub-section (1) or transferred under sub-section (3) after giving the parties the opportunity of being heard.
- (5) In respect of an order imposing a penalty other than those specified in sub-section (1) of section 92, on any teacher or other employee, an appeal shall lie to the competent authority within three months from the date of communication of the order imposing such penalty.
- (6) The competent authority shall dispose of an appeal preferred under sub-section (5) after giving the parties the opportunity of being heard.
- (7) An appeal against an order of the competent authority under sub-section (6) shall lie within the prescribed period to the Tribunal, whose decision shall be final.

95. Court Fee.- Notwithstanding anything in the Karnataka Court Fees and Suits Valuation Act, 1958, every appeal to the Tribunal shall bear a court fee stamp of rupees twenty-five.

96. Tribunal.-

- (1) The State Government shall, by notification in the official gazette constitute one or more Educational Appellate Tribunals for the adjudication of appeals preferred under this Act and where more than one Tribunal is constituted, the State Government shall specify the territorial jurisdiction of each such Tribunal.
- (2) The Educational Appellate Tribunal shall consist of one person who is or has been a Judicial Officer not below the rank of a District Judge:

Provided that pending constitution of the Educational Appellate Tribunal under sub-section (1), the District Judge of each District shall function as the Educational Appellate Tribunal of the District.

- (3) The Educational Appellate Tribunal,-
 - (a) may, if satisfied from the material on record that the order is arbitrary, perverse, malafide, violative of the rules of natural justice or not sustainable on any other ground, pass such orders including one for the reinstatement of the employee, as it deems fit on such terms and conditions, if any, including payment of salary allowances and costs;
 - (b) shall for the purposes of the disposal of the appeals referred under this Act have the same powers as are vested in a court of appeal under the Code of Civil Procedure, 1908 (Central Act 5 of 1908);
 - (c) shall have the power to stay the operation of the order appealed against on such terms as it may think fit;
 - (d) shall for the purpose of executing its own orders have the same powers as are vested in a court executing a decree of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) as if such orders were decrees of a civil court.
- (4) All expenses incurred in connection with the Tribunal shall be borne from out of the Consolidated Fund of the State.
- (5) No Civil Court shall have jurisdiction in respect of matters over which the Tribunal exercises any power under this Act.

97. Resignation.-

- (1) Any employee of a private educational institution may resign his service by giving a notice to the Governing Council in accordance with sub-section (2).
- (2) Every such notice of resignation shall, -
 - (a) conform to the terms and conditions of service governing such employee; and
 - (b) be in the prescribed form attested by an officer duly authorised in this behalf by the State Government.

- (3) No resignation which is not in accordance with subsection (2) shall be valid or be of any effect whatsoever.

98. Retrenchment of employees.-

- (1) Where retrenchment of any employee is rendered necessary by the Governing Council or competent authority consequent on any change relating to education or course of instruction or due to any other reason, such retrenchment may be effected with the prior approval of the competent authority or the next higher authority, as the case may be.
- (2) Where any retrenchment of the member of the teaching staff in any aided Educational Institutions is effected, the State Government or the competent authority shall, subject to prescribed rules or orders governing the reservation in posts to Scheduled Castes and Scheduled Tribes and other Backward Classes, appoint such person to a similar post where available in any other aided educational institution.
- (3) If the management of an institution wants a transfer of an employee to some other institution, where there is a vacancy or if any employee of an institution, wants a transfer or if two employees apply for mutual transfer, the State Government may grant the request of the institution or of the employee as the case may be.

99. Termination of service.- An employee of a private educational institution who has been confirmed and whose services are retrenched or terminated by the Governing Council for reasons other than as a measure of punishment shall be entitled to compensation at the rate of fifteen days salary for every completed year of service subject to minimum of three months salary and maximum of fifteen months salary.

100. Over-riding effect of this Chapter.- The provisions of this chapter shall have effect notwithstanding anything in,-

- (i) any law for the time being in force, or
- (ii) any award, agreement or contract of service made before or after the date of commencement of this Act, or
- (iii) any judgment, decree or order of a court, Tribunal or any other authority:

Provided that where under any such law, award, agreement, contract of service, judgment, decree or order or otherwise, any employee is entitled to benefits more favourable than accorded under this chapter such teacher or other employee shall continue to be entitled to such benefits:

Provided further that nothing in this chapter shall preclude the teacher or other employee from entering into employee shall continue to be entitled to such favorable benefits:

101. Power of Government to impose penalties. -

Notwithstanding anything contained in sections 92 and 94 and subject to such rules as may be prescribed, where the competent authority is of the opinion that disciplinary action against an employee is necessary, it may direct the Governing Council to take action within a specified period. If the Governing Council fails to comply with the direction, the competent authority shall report the matter to the State Government, which after considering the report

may specify by order, a person or authority to take disciplinary action against the employee. The person or authority so specified may thereupon take disciplinary action against the employee and impose all or any of the penalties which the Governing Council can impose. An appeal shall lie from a decision of such person or authority to the tribunal, within the prescribed period.

CHAPTER XV

CONTROL OF PRIVATE EDUCATIONAL INSTITUTION

102. Code of Conduct for Governing Council.- The Governing council of private educational institutions shall be , governed by such Code of Conduct as the State Government may after previous publication prescribe. In such other matters arising under this Act and not covered by the Code of Conduct aforesaid, the Governing Council shall be governed by such Code of Conduct prepared by it with the prior approval of the State Government as is not inconsistent with the Code of Conduct prescribed by the State Government which shall be communicated to the competent authority for information.

103. Furnishing of list of properties.-

- (1) Every private educational institution shall, maintain a list of the properties, both moveable and immoveable owned or possessed by it.
- (2) The management shall, on or before the prescribed date, furnish to the competent authority a copy of such list in the manner and form as may be prescribed.

104. Utilisation of Funds, etc.-

- (1) All moneys collected, grants received and all property held by the management on behalf of a private educational institution shall be utilised for the prescribed purposes and the purposes for which they are intended and shall be accounted for by the private educational institution in such manner as may be prescribed.
- (2) The funds of the private educational institution shall be deposited by it in such manner as may be prescribed.
- (3) The Governing Council shall, within a time which the competent authority may fix, reimburse to the account of the private educational institution any money which it has failed to account for under sub-section (1). If the money is not so reimbursed within the time so fixed the competent authority shall recover the same from the Governing Council, as arrears of land revenue and credit it to the account of the institution.

105. Private Institution not to be closed down, etc., without sufficient notice.-

- (1) Save as otherwise provided in this Act, no private educational institution shall be closed down or discontinued, unless a notice of not less than one academic year and indicating the intention to do so, has been given by the Governing Council to the officer authorised by the competent authority in this behalf.
- (2) On the closure of a recognised private educational institution, all its properties relating to the grant-in-aid given by the State Government as may be determined by the competent authority shall vest in the State Government.

106. Governing Council to hand over properties, records, etc., to competent authority on closure, etc., of private educational institution.-

- (1) In the event of the private educational institution being closed down or discontinued or its recognition being withdrawn the Governing Council shall hand over or cause to be handed over to the competent authority the custody of all the properties, records and accounts of the institution in its possession.
- (2) (a) Where the competent authority is resisted in or prevented from obtaining the custody of properties, records or accounts of the institution by such management, any Judicial Magistrate of the First Class having jurisdiction shall, on an application[^] made by the competent authority, by order, after notice to the Governing Council, direct the handing over of the custody of such properties, records or accounts of the institution to the competent authority within the time specified in such order.
(b) Where the Governing Council fails to hand over the custody of the properties, records or accounts within the time specified in the order of the Magistrate under clause (a), it shall be punished with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both, and the Magistrate shall cause the custody of the properties, records or accounts to be handed over to the competent authority taking such police assistance as may be necessary.
- (3) Nothing in this section shall apply to a private educational institution under the management of a charitable or religious institution, charitable or religious endowment or wakf.

107. Restriction on alienation of property of private educational institution.-

- (1) Notwithstanding anything in any law for the time being in force, no sale, mortgage, lease, pledge, charge or transfer of possession in respect of any property of a private educational institution shall be made or created except with the previous permission in writing of the competent authority on an application made in this behalf.
- (2) (a) No permission applied for under sub-section (1) shall be refused by the competent authority except where the grant of such permission will in its opinion, adversely affect the working of the institution.
(b) The competent authority shall pass an order, either granting or refusing permission applied for, within a period of sixty days from the date of receipt of the application.
- (3) Any person aggrieved by an order refusing permission under sub-section (2) may, in such manner and within such time, as may be prescribed, appeal to the prescribed authority.
- (4) Any transaction made in contravention of sub-section (1) shall be null and void.

108. Liability of Secretary to repay debts incurred in certain cases.-Where any secretary incurs debt for the purpose of running an educational institution without proper authorisation by the Governing Council or the Managing Committee as the case may be of such institution and where it is found by the competent authority after making an enquiry that the monies received through such debts have not been utilised for running the institution. It shall be the personal liability of such secretary to discharge the said debts.

CHAPTER XVI

STATE EDUCATIONAL ADVISORY COUNCIL ETC.

109. State Educational Advisory Council.-

- (1) For the purpose of advising the Government on matters pertaining to educational policies and programmes, the State Government, shall, by notification, constitute a State Educational Advisory Council, (hereinafter referred to as the Council) consisting of officials and non-officials.
- (2) The Minister-in-charge of Education shall be the Chairman and the other Ministers concerned, if any, shall be the Co-Chairmen and the Minister of State and Deputy Minister for Education, if any, shall be the Vice-Chairmen of the council.
- (3) The Secretary to Government in the Education department shall be the member-secretary.
- (4) The Council shall also consist of the following members:-
 - (a) the Vice-Chancellors of Universities constituted under the Karnataka State Universities Act, 1976 and University of Agricultural Sciences Act, 1963;
 - (b) the Commissioner of Public Instruction, the Director of Collegiate Education, the Director of Technical Education, the Director of Medical Education, the Director of Adult Education, the Director of Vocational Education, the Director of Youth Services, the Director of Social Welfare, the Director of Women and Children Welfare, the Director of Backward Classes and Minorities, the Director of Agriculture;
 - (c) the nominated members of each of the Standing Committees constituted under section 110;
 - (d) not exceeding ten members nominated by the State Government of whom three shall be persons belonging to Scheduled Castes and Scheduled Tribes and atleast one shall be a woman, two from other Backward Classes and one from minorities.
- (5) The powers and functions and term of members shall be such as may be prescribed.

110. Standing Committee.-

- (1) There shall be Standing Committee of the State Educational Advisory Council for each of the Departments, namely, Public Instruction, Collegiate Education, Technical Education, Medical Education, Vocational Education and Adult Education.
- (2) Each such committee shall consist of the following members:-
 - (a) the Commissioner or the Secretary to Government of the concerned department-Chairman
 - (b) the Commissioner for Public Instruction or the Director of Collegiate Education or the Director of Medical Education or the Director of Adult Education or the Director of Vocational Education, as the case may be, - Member
 - (c) three other persons to be nominated by the State Government among the educationists in the concerned area - Members

- (3) The powers and functions and term of office of the members of the Standing Committee shall be such as may be prescribed.

111. Advisory Committee.-

- (1) The State Government may constitute separate advisory Committees for Pre-primary Education, Primary Education, Secondary Education, Technical Education, Vocational Education, Adult Education, Pre-University Education, Collegiate Education, Medical Education, Teacher Education, Sanskrit Education, Arabic and Persian Education, Commerce Education, Arts and Craft Education, Physical Education, Hindi Education, Music, Dance, Talavadya and Drama Education, Education of the handicapped, Education of the Scheduled Castes and Scheduled Tribes, Education of Girls and Women, Education of minorities, Educational buildings and for such other disciplines as may be deemed necessary.
- (2) Each Advisory Committee shall consist of such number of official and non-official members, not exceeding nine, as may be prescribed. The State Government shall appoint one of the members to be the Chairman of each Committee and also appoint Secretary to each Committee.
- (3) The powers and functions and term of office of the members of the Committee shall be such as may be prescribed.

112. Procedure of Meetings.- The procedure to be followed at the meetings of the State Educational Advisory Council and the Advisory Committees shall be such as may be prescribed.

CHAPTER XVII

PENALTIES

113. Penalty for contravention of section 17.-

- (1) If any person fails to furnish any information as required by subsection (4) of section 17, he shall, on conviction, be punished with fine which may extend to twenty-five rupees.
- (2) If any parent fails to comply with an attendance order passed under section 17, he shall, on conviction, be punished with fine not exceeding two rupees and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions:

Provided that the amount of fine in any one year shall not exceed one hundred rupees.

114. Penalty for contravention of section 18.- If any person contravenes the provisions of section 18, he shall, on conviction, be punished with fine which may extend to twentyfive rupees, and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions.

115. Penalty for contravention of section 23.- Any person who contravenes the provisions of section 23 shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

116. Penalty for ragging.-

- (1) No person who is a student in an educational institution including an institution under the direct management of the University or of the Central Government shall commit ragging.
- (2) Any person who contravenes sub-section (1) shall on conviction be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

117. Penalty for copying at examinations.- Whoever is found by an invigilator or any other person appointed to supervise the conduct of an examination contravening section 24 shall, on conviction, be punished with an imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

118. Penalty for impersonating at examinations.- Any person who contravenes the provisions of section 25 shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees but not less than one hundred rupees or with both.

119. Punishment for loitering, etc., near an examination center.- Any person who contravenes the provisions of section 26 shall, on conviction, 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.

120. Punishment for alteration of answers written at an examination.-

- (1) Any person who contravenes the provisions of section 27 shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees but not less than one hundred rupees or with both.
- (2) Any person who commits any offence affecting the body or against the property of any person entrusted with any work relating to or appointed in connection with any examination, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees but not less than one thousand rupees or with both.

121. Prohibition of other malpractices at examinations etc.- Any person who adopts or takes recourse to any malpractice other than those punishable under sections 115, 117, 118, 119 and 120 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to three thousand rupees but not less than five hundred rupees or with both.

122. Punishment for contravention of section 28.- Any person, who, without reasonable excuse, refuses to do any work, connected with any examination and assigned to him, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

123. Penalty for establishing unregistered educational institutions etc.- Any person, who, establishes or as the case may be, maintains or runs an educational institution in contravention of section 30 or after registration is refused for such institution under section 31 or cancelled under section 34, shall on conviction, be punished with imprisonment for a term which may extend to three years but shall not be less than six months and with fine which may extend to five thousand rupees but not less than one thousand rupees.

124. Penalty for maintaining or running unregistered tutorial institutions.-(1) Any person who maintains or runs a tutorial institution in contravention of the provisions of clause (b) of sub-section (1) of section 35 or who establishes and maintains a tutorial institution without obtaining the registration certificate under sub-section (2) of the said section or who after the Cancellation of the registration certificate issued to him under that sub-section continues to run such an institution, shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees:

Provided that for a second or any subsequent conviction under this section, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

125. Penalty for collecting money in contravention of section 51.- Where any educational institution is found to be collecting money in contravention of the provisions of sub-section (2) of section 51, every person, who at the time of such collection was incharge of, and shall be responsible to the institution for its management shall, on conviction, be punished with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees. On such conviction the institution shall refund the monies so collected to the person from whom it was collected.

126. Penalty for contravention of code of conduct by Governing Council.- Where any Governing Council, intentionally or knowingly contravenes any code of conduct prescribed in sub-section (1) of section 102, every member thereof, shall without prejudice to any other action as may be taken under this Act and the rules made thereunder, be punished, on conviction, with fine not exceeding five hundred rupees for every such contravention.

127. Penalty for failure to give notice of closure of institutions.- If the Governing Council of any private educational institution fails to give the notice required under sub-section (1) of section 105 every member thereof shall on conviction be punished with simple imprisonment which may extend to two months or with fine which may extend to one thousand rupees or with both and with fine of fifty rupees for every day's default.

128. Penalties not otherwise provided for.- If any person, contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or rules made thereunder other than those punishable under the provisions hereinbefore contained, he shall, on conviction, be punished with fine which may extend to five hundred rupees for every such contravention and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of contravention of the Act or rules.

129. Offences by companies.-

(1) Where an offence against any of the provisions of this Act or any rule made

thereunder has been committed by a company, every person who, at the time the offence was committed, was in-charge of and was responsible to the company, for the conduct of business of the company as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1) where any such offence has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of the director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-(a) a company, means any body corporate and includes a trust a firm a society or other association of individuals; and (b) the director in relation to,-

- (i) a firm, means a partner in the firm.
- (ii) a society, a trust or other association of the individuals, means the person who is entrusted, under the rules of the society, trust or other association with management of the affairs of the society, trust or other association as the case may be.

CHAPTER XVIII

MISCELLANEOUS

130. Appeals.- Save as otherwise provided in this Act, any person or Governing Council, aggrieved by an order passed by an officer or authority under this Act may within the prescribed period prefer an appeal to the prescribed appellate authority.

131. Revision by the State Government.-

- (1) The State Government may either *suo motu* or on an application from any person interested, call for and examine the record of an educational institution or of any authority, officer or person in respect of any administrative or quasi-judicial decision or order, not being a proceeding in respect of which a reference to an arbitrator or an appeal to the High Court is provided, to satisfy themselves as to the regularity, correctness, legality or propriety of any decision or order passed therein, and if, in any case it appears to the State Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, they may pass order accordingly:

Provided that the State Government shall not pass any order adversely affecting any party unless such party has had an opportunity of making a representation.

- (2) The State Government may stay the execution of any such decision or order pending the exercise of powers under sub-section (1) in respect thereof.

- (3) Every application preferred under sub-section (1) shall be made within such time and in such manner and accompanied by such fees as may be prescribed.

132. Review.-

- (1) The State Government or the Commissioner of Public Instruction or the Director may suo *motu* at any time or on an application received from any person interested within ninety days of the passing of any order under the provisions of this Act review any such order, if it was passed by them or him under any mistake, whether of fact or of law, or in ignorance of any material fact.
- (2) The provisions contained in the proviso to sub-section of (1) and in sub-sections (2) and (3) of section 131 shall, so far may be, apply in respect of any proceeding under this section as they apply to a proceeding under sub-section (1) of that section.

133. Powers of Government to give directions.-

- (1) The State Government may, subject to other provisions of this Act, by order, direct the Commissioner of Public Instruction or the Director or any other officer not below the rank of the District Educational Officer to make an enquiry or to take appropriate proceeding under this Act in respect of any matter specified in the said order and the Director or the other officer, as the case may be, shall report to the State Government in due course the result of the enquiry made or the proceeding taken by him.
- (2) The State Government may give such directions to any educational institution or tutorial institution as in its opinion are necessary or expedient for carrying out the purposes of this Act or to give effect to any of the provisions contained therein or of any rules or orders made thereunder and the Governing Council or the owner, as the case may be, of such institution shall comply with every such direction.
- (3) The State Government may also give such directions to the officers or authorities under its control as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of such officer or authority to comply with such directions.

134. Power to enter and inspect.-

- (1) Every officer not below such rank as may be prescribed, shall subject to such conditions as may be prescribed, be competent to enter at any time during the normal working hours of an educational or tutorial institution, any premises of any such institution within his jurisdiction and to inspect any record, register or other documents or any movable or immovable property relating to such institution for the purpose of exercising his powers and performing his functions under this Act.
- (2) Any officer authorised by the State Government in this behalf, may at any time during the normal working hours of any educational institution enter such institution or any premises thereof or any premises belonging to the Governing Council of such institution, if he has reason to believe that there is or has been any contravention of the provisions of this Act and search and inspect any record, accounts, register or other document belonging to such institution or of the Governing Council, in so

far as any such record, accounts, register or other document relates to such institution and seize any such records, accounts register or other documents for the purpose of ascertaining whether there is or has been any such contravention.

- (3) In order to secure proper and effective utilisation of the finances or resources or other assets of any educational institution in existence at the commencement of this Act it shall be competent for the State Government to invoke the provisions of sub-section (2) and ascertain such finances, resources and assets of any institution and after such ascertainment to give such directions to the Governing Council as they deem fit.
- (4) The provisions of Criminal Procedure Code, 1973 (Central Act 2 of 1974) relating to searches and seizure shall apply, so far as may be to searches and seizures under subsection (2).

135. Penalty for obstructing officer or other person exercising powers under this Act.-

Any person who obstructs an officer of the State Government in the exercise of any power conferred on him or in the performance of any function entrusted to him by or under this act or any other person lawfully assisting such officer in the exercise of such power or in the performance of such function or who fails to comply with any lawful direction made by such officer or person shall be punished with fine which may extend to two hundred and fifty rupees.

136. Protection.- No suit, prosecution or other legal proceeding shall lie against the State Government or any authority, officer or servant of the State Government for anything in good faith done or intended to be done under this Act or the rules made thereunder.

137. Investigation and cognizance of offences.-

- (1) No court shall take cognizance of any offence punishable under this Act, except under sections 115 to 122 (both inclusive) or the abetment of any such offence, save on complaint made by the competent authority or with the previous sanction of such authority.
- (2) All offences punishable under sections 115 to 122 (both inclusive) shall,-
 - (a) be investigated by an officer of and above the rank of Inspector of Police; and
 - (b) be cognizable and non-bailable:

Provided that where the accused is a woman, she shall be released on bail on her offering a personal bond for her appearance during the stage of investigation or trial.

138. Punishment for abatement of offences.- Whoever instigates or abets the commission of any offence punishable under this Act shall, on conviction, be punished with the punishment provided for the offence.

139. Enquiry and proceedings.- All proceedings or enquiries before the tribunal shall be deemed to be judicial proceedings within the meaning of sections 193,219 and 288 of the Indian Penal code, 1860 (Central Act XLV of 1860).

140. Amendment of Karnataka Act No. 16 of 1966.- The Karnataka Secondary Education Examination Board Act, 1966 (Karnataka Act No. 16 of 1966) is hereby amended to the extent and in the manner specified in Schedule 1 to this Act.

141. Application of the Act to certain institutions.- Nothing in this Act or the rules made thereunder shall apply to any minority educational institution to the extent they are inconsistent with the rights guaranteed under Article 30 of the Constitution of India.

142. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions not inconsistent with the said provisions as appear to them to be necessary or expedient to remove the difficulty.

143. Delegation.- The State Government may by notification in the official gazette, delegate all or any powers exercisable by it under this Act or rules made thereunder, in relation to such matter and subject to such conditions, if any as may be specified in the direction, to be exercised also by such officer or authority subordinate to the State Government as may be specified in the notification.

144. Transfer of pending proceedings.- All appeals and all proceedings pending before the Educational Appellate Tribunal constituted under the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 (Karnataka Act 10 of 1975) immediately before the date of commencement of this Act shall stand transferred to the Educational Tribunal under this Act and shall be disposed of by such tribunal in accordance with the provisions of the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 (Karnataka Act 10 of 1975), as if the said Act had not been repealed by this Act.

145. Power to make rules.-

- (1) The State Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for,-
 - (i) the classes or standards of education and upto which shall be considered as primary education;
 - (ii) the curricula, etc., specified under sub-section (1) of section 7;
 - (iii) the duties and functions of the Vigilance Cells;
 - (iv) the authorities and the manner in which appointments are to be made to the posts sanctioned under sub-section (2) of section 9 and the powers and functions of the officers and staff;
 - (v) the composition and powers of the boards constituted under section 10;
 - (vi) the steps to be taken for providing necessary facilities for imparting compulsory primary education before notifying any area to be specified area;
 - (vii) the manner in which lists of children shall be prepared by the attendance authority in any specified area;
 - (viii) the distance beyond which a child cannot be compelled to attend an approved school;
 - (ix) the manner in which any enquiry under this Act shall be passed;

- (x) the form in which an attendance order under this Act shall be held;
- (xi) the registers, statements, reports, returns, budgets and other information to be maintained or furnished by approved schools for the purpose of this Act;
- (xii) the declaration as to what constitutes secondary or higher secondary education, technical education, special education, school places, school-age and attendance in schools or other institutions;
- (xiii) the establishment or maintenance and administration of educational institutions;
- (xiv) the grant of registration or recognition to educational institutions and the conditions therefor;
- (xv) the period and the manner for applying for registration of institutions;
- (xvi) the form of the register maintained for registration of educational institutions and tutorial institutions and of the registration certificate;
- (xvii) the manner of submission of the report of the expert body;
- (xviii) the conditions for recognition of existing institutions and the procedure therefor;
- (xix) regulating the rates of fees, the levy and collection of fees in educational institutions;
- (xx) the manner in which accounts, registers, records and other documents shall be maintained in the educational institutions and the authority responsible for such maintenance;
- (xxi) the submission of returns, statements, reports and accounts by managements or owners of properties of educational or tutorial institutions;
- (xxii) the inspection of educational and tutorial institutions and the officers by whom inspection shall be made;
- (xxiii) the mode of keeping and the auditing of accounts of such institutions;
- (xxiv) the standards of education and courses of study in educational institution;
- (xxv) the grant of sums by the State Government to educational institutions towards providing scholarships, bursaries, fee concessions and the like;
- (xxvi) the preparation and submission of development plan for educational institutions in general and for technical education and the contents of such plans;
- (xxvii) the powers and the functions of the officers and other sub-ordinate staff of the Education Department;
- (xxviii) the preparation and sanction of building plans and estimates of the educational institutions and the requirements to be fulfilled by the buildings for the educational institutions maintained by the local authorities and private institutions;
- (xxix) the purposes for which the premises of the educational institutions may be

- used and the restrictions and conditions subject to which such premises may be used for any other purpose;
- (xxx) the regulation of the use of text books, maps, plans, instruments and other labouratory and sports equipment in the institution;
 - (xxxi) the regulations for admission into educational institutions of pupils for the academic course, private study and other special courses and the attendance thereat;
 - (xxxii) the qualifications necessary and other conditions to be fulfilled for appearing at the examinations conducted by the authorities under this Act and the method of valuation or revaluation of answer scripts;
 - (xxxiii) the opening of special night schools and conditions for their working and of parallel sections or classes in the institutions for linguistic minorities;
 - (xxxiv) the manner of conducting the class and terminal examination and promotion of pupils to higher classes;
 - (xxxv) the donations or contributions and the conditions subject to which they may be accepted by the educational institutions from the public and the naming of institutions.
 - (xxxvi) the conditions for co-education in the educational institutions and the regulation of the conduct and discipline of pupils and the penalty for misconduct or indiscipline;
 - (xxxvii) the manner of services of notices, orders and other proceedings, of presenting appeals or applications for revision or review and the procedure for dealing with them and the fee in respect thereof;
 - (xxxviii) the scale of fees or charges or the manner of fixing fees or charges payable in respect of any certificate, permission, marks lists or other document for which such fees may be collected;
 - (xxxix) elections to the Student Associations or Unions;
 - (xL) all matters expressly required or allowed by this Act to be prescribed or in respect of which this Act makes no provision or makes insufficient provision and a provision is, in the opinion of the State Government, necessary for the proper implementation of this Act;
- (3) Any rule may be made under this Act with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement to be laid before both Houses of the State Legislature.
- (4) Every notification issued and every rule made under this Act, shall immediately after it is issued or made be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or in the rule or in the annulment of the notification or the rule, the

notification or the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

146. Repeal and Savings.-

- (1) The Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961) and the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 (Karnataka Act 10 of 1975) are hereby repealed.
- (2) Notwithstanding such repeal, any act or thing done under the said Act shall be deemed to have been done under this Act and may be continued and completed under the corresponding provisions of this Act.
- (3) Notwithstanding anything contained in this Act, all rules, orders, notifications, Grant-in-aid Codes, appointments, schemes, bye-laws, regulations, official memoranda-circulars or any other orders made or issued before the commencement of this Act and in force on the date of such commencement providing for or relating to any of the matters for the furtherance of which this Act is enacted shall continue to be in force and effective as if they are made under the corresponding provisions of this Act unless and until superseded by anything done or any action taken or any notification, Grant-in-aid code, rule, order, appointment, scheme, bye-law, regulation, official memorandum, circular or any other order made or issued under this Act.

SCHEDULE I

**Amendment of the Karnataka Secondary Education Examination Board Act, 1966
(Karnataka Act 16 of 1966)**

In the Karnataka Secondary Education Examination Board Act, 1966 (Karnataka Act 16 of 1966),-

- (1) in section 2, after clause (d), the following clause shall be inserted:-
“(da) ‘Director’ means the Director of the Board;”
- (2) in section 4,-
 - (a) in sub-section (1) at the end, the following shall be inserted namely:-
The Commissioner for public Instruction shall *ex-officio* be the Chairman of the Board;
 - (b) In sub-section (2) for the words Chairman and Joint Director the words “Director:” and “Additional Director” shall respectively be substituted:
 - (c) In sub-section (3), for the words The Joint Director of Public Instruction, incharge of secondary education the word “Director” shall be substituted;
 - (d) in sub-section (4),-
 - (i) after clause(d), the following clause shall be inserted namely:-
“(da) Director of Text Books or his nominee”.
 - (ii) in clause (e) for the word “seven” the word “eight” shall be substituted and

after the words Sanskrit Education, a comma and the words “State Education Unit” shall be inserted:

- (3) in sub-sections (2), (3) and (4) of section 17, section 18, section 19, section 20 and section 21, for the word “Chairman” wherever it occurs, the word “Director” shall be substituted;
- (4) in section 17, in sub-section (4), for the words ‘The Director of Public Instruction’ the words “The Chairman” shall be substituted; and
- (5) In section 36, section 37 and section 38, for the words “Vice-Chairman” the words “Director or Vice Chairman” shall be substituted.

SCHEDULE II

1. Any examination conducted by or under the authority of any University established by an Act of the State Legislature.
2. Any examination conducted by or under the authority of the Karnataka Secondary Education Examination Board.
3. Any examination conducted by the Karnataka State Board of Technical Education.
4. Any examination conducted by the Karnataka Pre-University Education Board.
5. Any examination conducted by the State Council for Vocational Education.

NOTIFICATION

Bangalore, dated 30th May, 1995 [No.Ed 2 MES 95].

S.O. 522.- In exercise of the powers conferred by sub-section (4) of section 1 of the Karnataka Education Act 1983, (Karnataka Act no. 1 of 1995) the Government of Karnataka hereby appoints the 1st day of June 1995 to be the day from which all provisions of the said Act shall come into force.

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

M.Pankaja
Special Officer & Ex-Officio
Deputy Secretary to Government,
Education Dept (Planning)

(Published in Karnataka Gazette Part IV 2c (ii) No. 761 dated 30.5.1995.)

THE KARNATAKA EDUCATION (AMENDMENT) ACT, 1996

KARNATAKA ACT No. 8 OF 1998

(First published in the Karnataka Gazette, Extraordinary,
on the 11th day of April, 1998)

THE KARNATAKA EDUCATION (AMENDMENT) ACT, 1996

(Received the assent of the Governor on the 7th day of April, 1998)

An Act further to amend the Karnataka Education Act, 1983.

Whereas, it is expedient to amend the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Forty-Seventh Year of the Republic of India as follows.—

1. Short title and commencement.-

- (1) This Act may be called the Karnataka Education (Amendment) Act, 1996.
- (2) It shall come into force at once.

2. Amendment of Section 1. - In sub-section (3) of Section 1 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) (hereinafter referred to as the principal Act).—

- (1) after clause (iii), the following shall be *inserted*, namely.— “(iii-a) Educational Institutions affiliated to or recognised by the Council of Indian School Certificate Examination or Central Board of Secondary Education respectively”.
- (2) in clause (iv) after sub-clause (d), the following shall be *inserted*, namely.—
“(d-a) the All India Council for Technical Education Act, 1987 (Central Act 52 of 1987);
(d-b) the India Gandhi National Open University Act, 1985 (Central Act 50 of 1985);
(d-c) the National Council for Teacher Education Act, 1993 (Central Act 73 of 1993).”

3. Amendment of Section 2. - In Section 2 of the principal Act, after clause (28) the following shall be *inserted*, namely.—

“(28-A) Public interest includes public order, public health, public morality and other similar purposes”.

4. Amendment of Section 67.—In Section 67 of the principal Act.—

- 1) in sub-section (1), for the words “until the said educational institution is acquired”, the words “for a period of one year” shall be *substituted*;
- (2) after the first proviso, the following shall be *inserted*, namely.—
“Provided further that if the State Government is of the opinion • that in order to

secure the proper management of the educational institution, it is expedient that such management should continue to vest in the State Government after the expiry of the said period of one year, it may issue direction for the continuance of such management for a further period not exceeding one year as it may think fit, so however, the total period for which such management shall continue to vest in the State Government shall not, in any case, exceed two years”.

- 5. Insertion of new Section 67-A . -** After Section 67 of the principal Act the following shall be *inserted*, namely.—

“67-A. Relinquishment of management of educational institutions.-

- (1) After the expiry of the period specified in sub-section (1) of Section 67, the management of educational institution shall vest in accordance with the order, if any, of any Court and if there be no such order, vest in the Governing Council or managing Committee (by whatever name called) of such educational institution or such other body or person, as the case may be, entitled thereto.
- (2) If at any time before the expiry of the period referred to in sub-section (1) of Section 67, it appears to the State Government that the purpose of vesting of the management of educational institution in the State Government has been fulfilled or that for any other reason it is not necessary that the management of such educational institution should remain vested in the State Government, it may, by order published in the Official Gazette, relinquish the management of such educational institution with effect from such date as may be specified in the order.
- (3) On and from the date specified under sub-section (1), the management of the educational institution shall be transferred in accordance with the order if any, of any Court, and if there be no such order shall be transferred to the Governing Council or managing committee (by whatever name called) of the educational institution or such other body or person, as the case may be, entitled thereto .

- 6. Amendment of Section 74.-**In sub-section (1) of Section 74 of the principal Act, after the words “any time”, the words, figures and brackets “but before the expiry of the period referred to in sub-section (1) of Section 67” shall be *inserted*.

THE KARNATAKA REPEALING AND AMENDING ACT, 2002
KARNATAKA ACT No. 13 OF 2003

*(First published in the Karnataka Gazette, Extraordinary,
n the 31st day of March, 2003)*

(Received the assent of the Governor on the 25th day of March, 2003)

An Act to repeal certain enactments and to amend certain other enactments.

Whereas, it is expedient to repeal certain enactments and to amend certain other enactments.

Be it enacted by the Karnataka State Legislature in the Fifty-second year of the Republic of India as follows.—

1. Short title and commencement. -

- (1) This Act may be called the Karnataka Repealing and Amending Act, 2002.
- (2) It shall come into force at once.

2. Definition. - Unless the context otherwise requires “Schedule” means a Schedule annexed to this Act.

3. Repeal of certain enactments.- The enactments specified in the first Schedule are hereby repealed.

4. Amendment of certain enactments.- The enactments specified in columns (2) and (3) of the Second Schedule are hereby amended to the extent and in the manner mentioned in the corresponding entries in column (4) thereof.

5. Savings.-

- (1) The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force;

nor shall the repeal of the Appropriation Acts by this Act affect the audit, examination, accounting, investigation, inquiry or any other action taken or to

be taken in relation thereto by any authority and such audit, examination, accounting, investigation, inquiry or action could be taken and/or continued as if the said Acts are not repealed by this Act;

nor shall the repeal of Act 2 of 1973 and Act 38 of 1987 shall affect any proceedings initiated or to be initiated under these enactments before any Court or other authority to challenge, or to enforce, the rights conferred by these enactments and those proceedings shall be continued and disposed off in accordance with these enactments as if the said enactments are not repealed by this Act.

- (2) For the removal of doubts it is hereby declared that where this Act repeals any enactment by which.-
- (i) the text of any other enactment, was amended by the express addition, omission, insertion or substitution of any matter, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the commencement of this Act;
 - (ii) any action taken (including any rule or order or bye-law or regulation made or any tax or cess or fee assessed or collected) by the Government or any other authority has been validated or saved or proceedings before one authority has been transferred to another authority or any declaration has been made or any direction has been given, the repeal shall not affect the operation of such validation or saving or transfer or declaration or direction and in operation at the commencement of this Act; and
 - (iii) any other enactment has been amended or repealed or extended to the State of Karnataka, with or without some consequential or transitory or saving provisions the repeal shall not affect the operation of such amendment, repeal, extension or provision and in operation at the time of commencement of this Act.
- (3) The provisions of Section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899), shall be applicable in respect of repeal of an enactment by this Act.

SECONDSCHEDULE

(See Section 4)

Amendments

SI. No.	Act No. and year	Short title	Amendments
5.	1 of 1995	The Karnataka Education Act, 1983	In Schedule I, in item 3 with effect from 1st June, 1995, for "Sections 21 and 38" substitute "and Section 21"

NOTIFICATIONS

NOTIFICATION

No. Ed 2 Mex 95, dated 30-5-1995

Karnataka Gazette, Extraordinary, dated 30-5-1995

S.O. 522-In exercise of the powers conferred by sub-section (4) of Section 1 of the Karnataka Education Act 1983 (Karnataka Act No. 1 of 1995), the Government of Karnataka appooints the 1st day of June, 1995 to be the day from which all provisions of the said Act shall come into force.

EDUCATION SECRETARIAT

No Ed 68 AAV 96

Karnataka Government secretariat
Multi storeyed Building,
Bangalore, date 30.6.1997

In exercise of the powers conferred by clause (31) of section 2 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby authorises officers specified in column (3) and (4) of the Table below to reform the functions and discharge the duties of the registering authority for the purpose specified in the respective columns.

TABLE

Sl No.	Class of Educational Institution	Registering authority for the purpose of receiving applications for registration.	Registering authority for all other purposes and the provisions of the Act noted below
(1)	(2)	(3)	(4)

A. For educational Institutions seeking fresh registration under Section 31 and for upgradation under Section 32

1.	Pre-primary Institution	Block Education Officer in the concerned Block for the Block	Block Education Officer in the concerned Block
2.	Lower Primary Schools (Standards I to IV) other than English medium.	Block Education Officer in the concerned Block for Block.	Block Education Officer in the concerned Block.
3.	Lower Primary Schools (Standards 1 to IV) English medium	Deputy Director of Public Instruction of the concerned District	Director of Public Instruction (Primary)
4.	Upper Primary School (Standards V to VII) other than English medium)	Block Educational Officer of concerned Block for the Block.	Director of Public Instruction (Primary)
5.	Upper Primary Schools (Standards V to VII) English medium.	Deputy Director of Public Instruction of concerned District for the District.	Director of Public Instruction (Primary)
6.	Secondary Schools (Standards VIII to X) for all medium)	Deputy Director of Public Instruction of concerned District for the District	Director of Public Instruction.

B. For existing recognised educational institutions seeking registration under Section 33

1.	Pre-Primary instruction	Block Educational Officer concerned	Block Education Officer concerned.
2.	Low Primary School (All medium)	Block Educational Officer concerned	Block Education Officer concerned.
3.	Upper Primary School (Kannada medium)	Block Educational Officer concerned.	Block Educational Officer concerned
4.	Upper Primary School (other than Kannada medium)	Block Educational officer concerned.	Deputy Director of Public Instruction of the District concerned.
5.	Secondary Schools	Block Educational Officer concerned.	Deputy Director Public Instruction of the District concerned.

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

H.A. PRAMILA

Under Secretary to Government,
Education Department.

EDUCATION SECRETARIAT

Notification No. ED 89 VIVIDHA 98 (1)

Bangalore, Date : 17th August 1998.

In exercise of the powers conferred by section 143 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the State Government here by and under the Karnataka Educational Institutions (Appellate Authority) Rules, 1998 in respect of the Departments specified in column (2) of the Table below to the officers specified in the corresponding entries in column (3) thereof.

TABLE

Sl No.	Department	Officers
1.	Commissioner of public Instruction	Secretary to Government - II Education Department.
2.	Director of Pre-University Education	Additional Secretary to Government Education Department.

By Order and in the name of the
Governor of Karnataka

M.S. ASWATHNARAYANARAO,
Deputy Secretary to Government,
Education Department.

Notification No. ED 89 VIVIDA 98 (II)
Bangalore, dated 17th August 1998

In exercise of the powers conferred by section 143 of the Karnataka Education Act, 1993 (Karnataka Act 1 of 1995), the State Government hereby, delegates all the powers exercisable by it under section 131 of the said Act in respect of the Departments specified in column (2) of the Table below to the officers specified in the corresponding entries in column (3) thereof.

TABLE

Sl No.	Department	Officers
1	2	3
1.	Primary Education	
2.	Secondary Education	
3.	Vocational Education	Secretary to Government - II
4.	State Educational Research and Training	Education Department
5.	Public Instruction (Minority)	
6.	Director of Pre-University Education	Additional Secretary to Government, Education Department

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

M.S.ASWATHANARAYANARAO,
Deputy Secretary to Government,
Education Department.

818-S.O. 1020

EDUCATION SECRETARIAT

ED 83 VIVIDHA 98

Karnataka government Secretariat,
M.S. Building,
Bangalore, Dated : 27-8-1998

NOTIFICATION

In exercise of the powers conferred by clause (7) of section 2 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby authorise the officers specified in column (2) of the Table below to perform the functions and discharge the duties of the competent authority for the purpose of sub-section (1) of section 51 of the said Act, in respect of Educational Institutions specified in corresponding entries in column (3) thereof.

TABLE

Sl. No.	Competent Authority	Category Institutions
1	2	3
1.	Deputy Director of public Instruction of the District	pre-primary primary, Secondary and High Schools.
2.	Deputy Director of pre-University Education of the District.	Pre-University College / Junior College.

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

P.N.KULKARNI

Under Secretary to Government,
Education Department (General)

EDUCATION SECRETARIAT

ED 58 VIVIDHA 98

Karnataka Government Secretariat
Multi stored Building,
Bangalore, Date : 18-10-98

NOTIFICATION

In exercise of the powers conferred by clause (7) of section 2 the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby authorises the officers Specified in column (2) of the Table below to perform the functions and discharge the duties of competent authority for the purpose of sub-section (1) and (2) of sanction 98 of the said Act in respect of Educational Institutions specified in corresponding entries in column (3) of the Table within their respective jurisdiction.

1. Director of Public Instruction (Primary Education)	Private, Aided Primary Schools (Stds 1 to IV or V to VII or I to VII as the case may be)
2. Director of Public Instruction (Secondary Education)	Private, Aided Secondary Schools (Stds VII to IX) (Including High School sections in composite Pres-University Colleges.
3. Director of Public Instructions (Secondary Education)	Private, Aided CPED institutions
4. Director of Public Instruction (Research and Training)	Private, Aided Teachers Training Institutions.
5. Director of Public Instruction (Research and Training)	Private, Aided B.Ed., Colleges
6. Director of Pre-University Education	Private, Aided Pre-University Colleges.
7. Director of Collegiate Education	Private, Aided first Grade Colleges.
8. Director of Technical Education	Private, Aided Engineering Colleges.
9. Director of Technical Education	Private, Aided Polytechnic Institutions,
10. Director of Technical Education	Private, Aided Industrial Training Institutions.

The Competent authority as specified in column (2) of the above table shall record the following clauses as per condition to the appointment while issuing the appointment order as per provisions of section 98 (2) above:

- 1) The candidates appointed shall occupy the last place in the seniority list of the cadre to which he is appointed in the new school.
- 2) The candidate appointment shall be eligible to count his service in the retrenched school for purpose of pay, leave and pension in his new appointment.

By Order and in the name of the Governor of Karnataka.

K.S. Gurudevappa
Under Secretary to Govt.
Education Department (General).

EDUCATION SECRETARIAT

ED 138 VIVIDHA 98

Karnataka Government Secretariat
Multi stored Building,
Bangalore, Date : 09-02-1999

NOTIFICATION

In exercise of the powers conferred by sub - section (2) of section 134 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby authorises the officers Specified in column (2) of the Table below, for the purpose of said sub-section within their respective Jurisdiction in respect of the category of Institutions Specified in column (3) thereof.

TABLE

Sl.No.	Officers	Category of Institutions
1	2	3
1.	Any Officer not below the rank of Inspector of Schools in the Department of Public Instruction.	Primary Schools
2.	Any Officer not below the rank of Block Education Officer in the Department of Public Instruction.	High Schools including High School Sections of the Composite Pre-University / Junior Colleges.
3.	Any Officer not below the rank of Deputy Director or Pre-University Education.	Pre-University Junior

By Order and in the name of the Governor of Karnataka.

K.S. Gurudevappa
Under Secretary to Govt.
Education Department (General).

EDUCATION SECRETARIAT

NO. : ED 146 VIVIDHA 98

Karnataka Government Secretariat
Multi stored Building,
Bangalore, Date : 25-02-1999

NOTIFICATION

In exercise of the powers conferred by clause (7) of Section 2 of the Karnataka Education Act, 1993 (Karnataka Act 1 of 1995), the Government of Karnataka hereby authorise the officers specified in column (2) of the Table below to perform the functions and discharge the duties of the competent authority for the purpose of the competent authority for the purpose of provision to sub-section (3) of section 92 in respect of Educational Institutions specified in the corresponding entries in column (3) of the Table and following within their respective jurisdiction.

TABLE

Sl.No.	Competent Authority	Category of Institutions
1	2	3
1.	Director of primary Education	Pre-Primary and Primary Schools.
2.	Director of Secondary Education of Physical Education.	Secondary / High Schools, C.P.E.D. Institutions colleges
3.	Director of Pre-University education.	Pre-University Colleges / Junior Colleges.
4.	Director of Collegiate Education.	Colleges under the control of Department of Collegiate Education.
5.	Director of Technical Education.	Engineering Colleges, Polytechnics And Fine Arts Colleges.
6.	Director of Vocational Education	Institutions running Vocational Courses.
7.	Director of State Educational Research and Training	Teachers Training Institutions (Tch) Institutions, College of Education.

By Order and in the name of the Governor of Karnataka.

P.N.KULAKARNI

Under Secretary to Govt.
Education Department (General).

EDUCATION SECRETARIAT

NOTIFICATION

NO. : ED 137 VIVIDHA 98 BANGALORE, DATE 19TH MAY 1999

In exercise of the powers conferred by clause (7) of section 2 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby authorises officers specified in column (4) of the table below to be competent authorities to perform the functions and discharge duties of the competent authority within their respective jurisdiction, for the purpose of sections specified in corresponding entries in column (2), in respect of the category of educational institutions specified in column (3) thereof, namely :-

TABLE

Sl No.	Section	Name of the officer / Authority	Category of Educational Institutions
1	2	3	4
1.	Sub-section (1) of Section 22	Director, Karnataka Secondary Education, Examination Board	High Schools
		Director, SERT	T.C.H. Institutions
		Director of Pre-University Education	Pre-University Colleges / Junior Colleges
2.	Clause (b) of section (2) of Section 31 and Section 34	Director of Public Instruction (Primary Education)	Pre-Primary and Primary Schools
		Director of Public Instruction (Secondary Education)	Secondary and High Schools
		Director of Pre-University Education	Pre-University Colleges / Junior Colleges
		Director of Collegiate Education	Colleges Under the Control of Department of Collegiate Education
		Director of Technical Education	Engineering Colleges, Polytechnics and Fine Arts Colleges
		Director of Vocational Education	Institutions running Vocational Courses

	Director, State Educational Research and Training	Teachers Training Institutions (TCH Institutions) CPED Institutions, Colleges of Education, Colleges of Physical Education
3. Section 36 and 38	Block Education Officer	Pre-Primary and Primary Schools
	Deputy Director of Public Instruction	Secondary / High Schools
	Deputy Director of University Education	Pre-University and Colleges / Junior Colleges
4. Section 39	Deputy Director of Public Instruction	Pre-Primary and Primary Schools
	Director of Public Instruction (Secondary Education)	Secondary / High Schools
	Director of Pre-University Education	Pre-University Colleges / Junior Colleges
5. Section 137	Deputy Director of Public Instruction	Pre-Primary and Primary Secondary / High Schools
	Regional Joint Director of Education	Degree Colleges
	Director of Technical Education	Engineering Colleges Polytechnics Fine Arts Colleges Junior Technical Schools
	Deputy Director of Pre-University Education	Pre-University Colleges / Junior Colleges
	Director, Urdu and Other Minority language Schools	Urdu, Arabic, Hindi, Sanskrit, Tamil, Telugu and Institutions other Minorities Language

By Order and in the name of the Governor of Karnataka.

M.S.ASWATHANARAYANARAO,
Deputy Secretariat - 1,
Education Department

EDUCATION SECRETARIAT
NO. : ED 52 VIVIDHA 99 BANGALORE, DATE : 2-2-2000

NOTIFICATION - 1

In exercise of the powers conferred by clause (7) of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby authorises the officers specified in column (3) of the table below to perform the functions and discharges the duties of the Competent Authority for the purposes of sections 87 to 101 of the said Act, read with the provisions of the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) Rules, 1999 and specified in the corresponding entries in column (2) the thereof.

TABLE

Sl.No.	Rule	Officers
1	2	3
1.	Rule - 6 - Constitution of selection Committee	DDPI of the District
2.	Rule - 9 Resignation	DDPI of the District
3.	Rule - 10 - Retrenchment	DDPI of the District
4.	Rule - 11 (1) Procedure to be followed by (2) (3) (4) (5) - Competent Authority under Section - 98	DDPI of the District
5.	Rule - 11 (6) Procedure to be followed by Competent Authority under Section - 98	DP (Primary) in respect of Primary Schools. DPI (Secondary) in respect of Secondary Schools.
6.	Rule - 12 - Transfer of employees from one aided institution to another aided institution.	DPI (Primary) in respect of Primary Schools. DPI (Secondary) in respect of Secondary Schools.
7.	Rule - 13 - Closure of institutions	DPI (Primary) in respect of Primary Schools. DPI (Secondary) in respect of Secondary Schools.
8.	Rule - 14 - Nature of penalties - suspension	DDPI of the District in respect of Primary JDPI of the concerned Division in respect of Secondary Schools.
9.	Rule - 17 - Subsistence allowance	DDPI of the District in respect of Primary during suspension Schools. JDPI of the concerned Division in respect of Secondary Schools.
10.	Rule - 3 Annexure - 1 -Qualification and condition of service of employees procedure of selection of candidates.	DDPI of the District in respect of Primary Schools. JDPI of the concerned Division in respect of Secondary Schools.

By Order and in the name of the Governor of Karnataka.

(H.S. VENKATESHAIAH)

Under Secretary to Government,
Education Department (General)

EDUCATION SECRETARIAT
NO. : ED 52 VIVIDHA 99 BANGALORE, DATE : 2-2-2000

NOTIFICATION - II

In exercises of the powers conferred by section 143 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby delegate the powers exercisable by it under section 53 of the said Act, to the Deputy Directors of Public Instruction of the concerned district and they shall exercises the said powers within their respective jurisdiction.

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

(H.S. VENKATESHAIAH)
Under Secretary to Government,
Education Department (General)

EDUCATION SECRETARIAT

NOTIFICATION

NO. : ED 145 VIVIDHA 98, BANGALORE, DATE : 15TH MARCH 2001

In exercise of the powers conferred by clause (7) of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby authorises the officers specified in column (3) of the table below to perform the functions and discharge the duties of the competent authority for the purpose of section 107 of the said Act in respect of the institution specified in column (2) there of :

Sl No.	Category of Educational Institution	Officers
1.	Primary Schools	Director of Public Instruction (Primary)
2.	Secondary Schools	Director of Public Instruction (Secondary)
3.	TCH, CPED, B.ED.	Director of Public Instruction (State Education Research and Training)
4.	P.U. College	Joint Director (Administration) Directors of Pre-University Education
5.	Degree Colleges and Law Colleges	Director of Collegate Education
6.	Sanskrit, Urdu & other Minority language schools	Director (Urdu & other Minority language)
7.	Engineering colleges, Polytechnics Junior Technical schools.	Chief Administrative Officer in the office of Director of Technical Education.

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

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

NOTIFICATION
No.ED 34 VIVIDA 99, Bangalore, dated 16-4-2001
Karnataka Gazette, Extraordinary No.811, dated 17-4-2001

In exercise of the powers conferred by Clause 109 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby constitute the State Educational Advisory Council consisting of the following official members:-

1. Minister for Primary and Secondary Education	Chairman
2. Minister of State for Higher Education	Co-Chairman
3. Secretary to Government (Higher Education)	Member
4. Secretary to Government (Primary and Secondary Education)	Member
5. Vice-Chancellor, University of Mysore	Member
6. Vice-Chancellor, Bangalore University	Member
7. Vice-Chancellor, Karnataka University	Member
8. Vice-Chancellor, Kuvempu University	Member
9. Vice-Chancellor, Mangalore University	Member
10. Vice-Chancellor, Gulbarga University	Member
11. Vice-Chancellor, University of Agricultural Sciences, Bangalore	Member
12. Vice-Chancellor, University of Agricultural Sciences, Dharwad	Member
13. The Commissioner of Public Instruction, Bangalore	Member
14. The Director of Collegiate Education, Bangalore	Member
15. The Director of Medical Education, Bangalore	Member
16. The Director of Mass Education, Bangalore	Member
17. The Director of Technical Education, Bangalore	Member
18. The Director of Vocational Education, Bangalore	Member
19. The Director of Youth Services, Bangalore	Member
20. The Director of Women and Child Development, Bangalore	Member
21. The Director of Backward Classes and Minorities, Bangalore	Member
22. The Director of Social Welfare, Bangalore	Member
23. The Director of Agriculture, Bangalore	Member

The non-official members will be nominated in due course.

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

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

NOTIFICATION
No.ED 7 AAV 2001, Bangalore, dated 17-4-2001
Karnataka Gazette, Extraordinary No.810, dated 17-4-2001

In exercise of the powers conferred by clause (31) of Section 2 of Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), The Government of Karnataka hereby amends Notification No.ED 68 AAV 96, dated 30-6-1997, as follows, Namely.-

In the said notification, under the heading “A. For Educational Institutions seeking fresh registration under section 31 and upgradation under concerned Section 32”, in Serial No.4, under column 4, for the corresponding entries “Director of Public Instruction (Primary)”, the entries “Deputy Director of Public Instruction of the concerned District” shall be substituted.

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

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

EDUCATION SECRETARIAT

NOTIFICATION - I

[NO. : ED 6 VIVIDHA 2001, Bangalore, Date : 11-10-2001]

In exercise of the powers conferred by clause (7) of the Karnataka Education ACT, 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby authorises the officers specified in column (3) of the table below to perform the functions and discharges the duties of the Competent Authority for the purposes of sections 87 to 101 of the said Act, read with the provisions of the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private aided College of Education and Teachers Training Institutions) Rules, 2000 and specified in the corresponding entries in column (2) thereof.

TABLE

Sl.No.	Rule	Officers
1	2	3
1.	Rule-6-Constitution of selection Committee	Director of Public Instruction (R & T)
2.	Rule-9-Resignation	Director of Public Instruction (R & T)
3.	Rule - 10-Retrenchment	Director of Public Instruction (R & T)
4.	Rule - 11 (1) - Procedure to be followed by (2) (3) (4) (5) Competent Authority under Section - 98	Director of Public Instruction (R & T)
5.	Rule - 11(6) Procedure to be followed by Competent Authority under Section - 98	Director of Public Instruction (R & T)
6.	Rule - 12 - Transfer of employees from one aided Institution to another aided institution.	Director of Public Instruction (R & T)
7.	Rule - 13- Closure of institutions	Director of Public Instruction (R & T)
8.	Rule - 14- Nature of penalties suspension	Director of Public Instruction (R & T)
9.	Rule - 17 - Subsistence allowance during suspension	Director of Public Instruction (R & T)
10.	Rule - 3 - Annexure - 1 - Qualification and condition of service of employees - procedure of selection of candidates.	Director of Public Instruction (R & T)

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

K.G. HIREMATH

Under Secretary to Government, (Incharge)
Education Department (General)

NOTIFICATION
No.ED 6VIVIDA 2001 (II), Bangalore, dated 11-10-2001
Karnataka Gazette, Extraordinary No.1810, dated 12-10-2001

In Exercise of the powers conferred by Section 143 of the Karnataka Education Act, 1983 (Karnataka Act No.1 of 1995) the Government of Karnataka hereby delegate the powers exercisable by it under Section 53 of the said Act, to the Director of Public Instruction (R and T) and he shall exercise the said powers.

GOVERNMENT OF KARNATAKA

No. ED66 VIVIDHA 2003

**Karnataka Government Secretariat,
M.S. Building,
Bangalore, Dated: 7th October, 2003.**

NOTIFICATION

In exercise of the powers conferred by section 143 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) and in partial modification of Notification No. ED 89 ViViDA 98 (II) dated 17-8-1998, the Government of Karnataka hereby delegates the powers exercisable by it under section 131 of the said Act, in respect of the matters specified in Column (2) table below to the officers specified in the corresponding entries in column (3) thereof;

TABLE

Sl.No (1)	Matters (2)	Officers (3)
1	Any administrative or quasi judicial decision taken or order issued by any private educational institutions imparting pre-university education, regarding service matters of its employees such as appointment, period of probation, pay fixation, sanction of leave and increments, suspension, promotion, seniority, transfer, pension and all other matters relating to their conditions of service.	Director of Pre-University Education, Department of Pre-University Education,
2	Any administrative or quasi judicial decision taken or order issued by any private educational institutions imparting Primary and Secondary education regarding service matters of its employees such as appointment, period of probation, pay fixation, sanction of leave and increments, suspension, promotion, seniority, transfer, pension and all other matters relating to their conditions of service.	Commissioner for Public Instruction, Department of Public Instruction,

2. All Proceedings pending on the date of this notification before the State Government or any officer in respect of the matters specified above shall stand transferred to the Commissioner for Public Instruction, Department of Public Instruction, or the Director, Department of Pre-University Education, as the case may be and shall be disposed of by them as if they were instituted before them.

By order and in the name of the Governor of Karnataka

(SUNDARA RAJA GUPTHA)
**Under Secretary to Government
Education Department**

GOVERNMENT OF KARNATAKA

NOTIFICATION NO ED 67 Vivida 2003 Bangalore Dated 20-03-2004

In exercise of the powers conferred by clause (7) of section 2 of the Karnataka Education Act, 1983, (Karnataka Act 1 of 1995) the Government of Karnataka hereby authorises officers / authorities specified in column (3) of the table below to be competent authorities to perform the functions and discharge duties of the competent authority within their respective jurisdiction, for the purpose of the provisions of sections specified in corresponding entries in column (1) in respect of the category of educational institutions specified in column (2) thereof, namely :-

TABLE

Sl.No. Section Under this Act (1)	Category of Educational Institutions (2)	Name of Officer/ Authority (3)
1. 22(1) Examination Authority	Primary Education Secondary Education Pre-University Education. Collegiate Education	DDPI (Each District) DPI (Examination) Director (P.U) Commissioner for Collegiate Education or Nominee
2. 31(2) Registering the Examination System	Primary Education Secondary Education Pre-University Education. Collegiate Education	As prescribed in Notification No.ED68 KAV 96 3-06-97 Director (P.U) Commissioner for Collegiate Education or Nominee
3. 34(2) Competent authorities prescribed u/s 31(2) and also be the Competent authorities for cancellation registration certificate	Primary Education Secondary Education Pre-University Education. Collegiate Education	As prescribed in Notification No.ED68 KAV 96 3-06-97 Director (P.U) Commissioner for Collegiate Education or Nominee
4. 36(3)(4)(5) Recognition on Provisional approval	Pre-University Education. Collegiate Education	Director (P.U) Government

Sl.No. Section Under this Act	Category of Educational Institutions	Name of Officer/ Authority
(1)	(2)	(3)
5. 36(6) Grant of Recognition on Approval	Pre-Primary School Lower Primary School Higher Primary School Secondary Education Pre-University Education. Collegiate Education	Block Education Officer of Concerned Block DDPI of Concerned District Director(P.U) Government
6 36(7) Refusal of Recognition	Pre-Primary School Lower Primary School Higher Primary School Secondary School Pre-University Education. Collegiate Education	Block Education Officer of Concerned Block DDPI of Concerned District Director(P.U) Government
7 37(d)(2) Recommendations expert body	Primary Education Secondary Education Collegiate Education	Commissioner of Public Instruction Government Government
8. 38(1)(a)&2 Recognition of existing Educational Instituion	Pre-Primary School Lower Primary School Higher Primary School Secondary School Pre-University Education. Collegiate Education	Block Education Officer of Concerned Block DDPI of Concerned District Director(P.U) Government
9 39(1)(d) (e)(f) Withdrawal of Recognition	Pre-Primary School Lower Primary School Higher Primary School Secondary School Pre-University Education. Collegiate Education	Block Education Officer of Concerned Block DDPI of Concerned District Director(P.U) Government
10.39(2) Withdraw Recognition	Pre-Primary School Secondary School Pre-University Education. Collegiate Education	State Government Director(P.U) Government
11.44 Removal Secretary	Pre-Primary School Secondary School Collegiate Education	Director(Primary) Director(Secondary) Government

Sl.No. Section Under this Act (1)	Category of Educational Institutions (2)	Name of Officer/ Authority (3)
12. 51(1) Intimation of acceptance of voluntary donation	Primary School Secondary School Pre-University Education. Collegiate Education	Block Education Officer of Concerned Block Director(P.U) Government
13. 53(2) (vi) Fail to Restore conditions of Grant etc	Primary School Secondary School Pre-University Education. Collegiate Education	DDPI of Concerned District Secretary Education Dept Commissioner of Collegiate Education or Nominee
14. 53(2) (vii) The order of competent authority	Primary School Secondary School Pre-University Education. Collegiate Education	Director(Primary) Director(Secondary) Secretary Education Dept Commissioner of Collegiate Education
15. 56(2)(a)&(b) Annual audit Report to be sent	-Primary School Secondary School Pre-University Education. Collegiate Education	Block Education Officer of Concerned Block Director(P.U) Commissioner of Collegiate Education or Nominee
16. 57(1) (4)(5)(6) Inspection or Enquiry	Primary School Secondary School Pre-University Education. Collegiate Education	DDPI of Concerned District Director(P.U) Commissioner of Collegiate Education or Nominee
17. 58 Furnishing the returns	Primary School Secondary School Pre-University Education. Collegiate Education	Block Education Officer of Concerned Block Director(P.U) Joint Director of Collegiate Education
18. 76 Power of amount to property requisitioned or acquired	Primary School Secondary School Pre-University Education. Collegiate Education	Block Education Officer of Concerned Block Director(P.U) Commissioner of Collegiate Education

19. 79 Power of entry and Inspection	All Schools Pre-University Education. Collegiate Education	DDPI of concerned District Director(P.U) Commissioner of Collegiate Education
20. 92(3)(b)(c) Placing under suspension of employee to be reported	Primary Schools Secondary schools Collegiate Education	DDPI of concerned District Commissioner of Collegiate Education
21. 94(5) Appeal to the competent authority	Primary Schools Secondary schools Pre-University Education. Collegiate Education	DDPI of concerned District Director(P.U) Commissioner of Collegiate Education
22. 94(6) Disposal of such Appeal	Primary Schools Secondary schools Pre-University Education. Collegiate Education	DDPI of concerned District Director(P.U) Commissioner of Collegiate Education
23. 98(1)&(2) Retrenchment of Employee	Primary Schools Secondary schools Pre-University Education. Collegiate Education	Director(Primary) Director(Secondary) Director(P.U) Commissioner of Collegiate Education
24. 101 Direction to take disciplinary action against employee and to report to government	Primary Schools Secondary schools Pre-University Education. Collegiate Education	DDPI of concerned District DDPI of concerned District Director(P.U) Commissioner of Collegiate Education
25. 102 Code of conduct communication to the competent authority	Primary Schools Secondary schools Pre-University Education. Collegiate Education	DDPI of concerned District DDPI of concerned District Director(P.U) Commissioner of Collegiate Education
26. 103(2) Furnishing of list of properties	Primary Schools Secondary schools Pre-University Education. Collegiate Education	BEO of concerned block BEO of concerned Block Director(P.U) Commissioner of Collegiate Education

27. 104(3) Time to fix the reimbursement of money	Primary Schools Secondary schools Pre-University Education. Collegiate Education	BEO of concened block BEO of concened Block Director(P.U) Commissioner of Collegiate Education
28. 105(1)(2) To receive notice of closing down	Primary Schools Secondary schools Pre-University Education. Collegiate Education	DDPI of concened District DDPI of concened District President/Secretary Commissioner of Collegiate Education
29. 106(1)(2) Handing over to property etc after clsure	All Schools Pre-University Education. Collegiate Education	BEO of concened block Dist. Deputy Director Commissioner of Collegiate Education
30. 107(1)&(2) Permission to sale etc	Primary Schools Secondary schools Pre-University Education. Collegiate Education	Director(Primary) Director(Secondary) Secretary to Government Commissioner of Collegiate Education
31. 108 Liability of Secretary to reply debts	All Schools Pre-University Education. Collegiate Education	DDPI of concened District Director(P.U) Commissioner of Collegiate Education
32. 137 Complaints of Offences to be made to the court by the competent authority or with in the previous sanction of such authority	All Schools Pre-University Education. Collegiate Education	DDPI of concened District Director(P.U) Commissioner of Collegiate Education

By order and in the name of the Governor of Karnataka

(SUNDARA RAJA GUPTHA)
**Under Secretary to Government
Education Department**

GOVERNMENT OF KARNATAKA

NO. ED 11 MPS 2004(II)

Karnataka Government Secretariat
M.S. Building
Bangalore, dated 14-09-2004.

In exercise of the powers conferred by clause (7) of section 2 of the Karnataka Education Act, 1983, (Karnataka Act 1 of 1995) and in supersession of the Notification No.ED 137 VIVIDA 98, dated 19th May, 1999 (Published in the Karnataka Gazette Part IV section 2c(ii) extraordinary No.534 dated 22-5-1999) the Government of Karnataka hereby authorises officers specified in column (3) of the table below to be competent authorities to perform the functions and discharge duties of the competent authority within their respective jurisdiction, for the purpose of sections specified in corresponding entries in column (2) in respect of the category of educational institutions specified in column (4) thereof, namely :-

TABLE

Sl.No.	Section	Name of the Officer/ Authority	Category of Educational Institutions
(1)	(2)	(3)	(4)
1.	Sub - Section (1) of Section (22)	Director, Karnataka Secondary Education Examination Board Director SERT. Director of Pre-University Education.	High Schools T.C.H. Institutions. Pre-University Colleges / Junior Colleges
2.	Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Public Instructions (Primary Education)	Pre- Primary and Primary Schools, other than Urdu and Other Minority Language Schools.
3.	Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Public Instructions (Secondary Education)	Secondary / high Schools, other than Urdu and Other Minority Language Schools.
4.	Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Public Instructions office of the Additional Commissioner For public Instructions. Dharwad	In Respect of Pre- Primary and Primary and Secondary / high Schools Urdu and Other Minority Language Schools. in Belagum Division

5. Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Public Instructions office of the Additional Commissioner For public Instructions. Gulberga	In Respect of Pre- Primary and ,Primary and Secondary / high Schools Urdu and Other Minority Language Schools in Gulberga. Division
6. Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Public Instructions office Urdu and Other Minority Language Schools	In Respect of Pre- Primary and ,Primary and Secondary / high Schools Urdu and Other Minority Language Schools
7. Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Pre-University education	Pre-University Colleges/ Junior Colleges
8. Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Collegiate education	Colleges Under the control of Department of Collegiate education
9. Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Technical education	Engineering Colleges Polytechnics and Fine arts Colleges
10. Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of Vocational education	Institution running Vocational education
11. Clause (b) of Sub-section (2) of Section 31 and Section 34	Director of State Educational Research and Training	Teachers Training Institutions (TECH) Education CPED Institutions, colleges of Education
12. Section 36 and 38	Block Education Officer	Pre- Primary and Primary Schools
13. Section 36 and 38	Deputy Director of Public Instructions	Secondary / high Schools
14. Section 36 and 38	Deputy Director of Pre-University Education	Pre-University Colleges/ Junior Colleges
15. Section 39	Deputy Director of Public Instruction	Pre- Primary and Primary Schools
16. Section 39	Director of Public Instruction (Secondary Education)	Secondary / high Schools Schools other than Urdu and Minority Language Schools.

17 Section 39 -	Director of Public Instructions office Urdu and Other Minority Language Schools	In Respect of Pre- Primary and ,Primary and Secondary / high SchoolsUrdu and Other Minority Language Schools
18 .Section 39	Director of Pre- University education	Pre-University Colleges/ Junior Colleges
19 .Section 137	Deputy Director of Public Instruction	Pre- Primary and Primary Secondary/High Schools
20 .Section 137	Regional Joint Director of Education	Degree Colleges
.21. .Section 137	Director of Technical education	Engineering Colleges Polytechnics and Fine arts Colleges Junior Technical Schools
22 .Section 137	Director of Pre- University education	Pre-University Colleges/ Junior Colleges
23 Section 39 -	Director Urdu and Other Minority Language Schools	Urdu and Other Minority Language Schools

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

(M.N. SOMASHEKHAR)
Under Secretary to Government
Educational Departmen

EDUCATION SECRETARIAT

NOTIFICATION - I

[NO. : ED 41 SEP 2007, Bangalore, Date : 07-04-2007]

In exercise of the powers conferred by the section 143 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby delegates the powers exercisable by it under section 67 of this act , to the Commissioner for Public Instruction concerned in respect of the institutions with their respective jurisdiction .

Provided that in case of an educational Institution imparting education in the jurisdiction of more than one Commissioner for Public Instruction, the said powers in so far as such educational Institution are concerned shall be exercised by the Commissioner for Public Instruction Bangalore

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

SIDDALINIAH

Under Secretary to Government,
Education Department (General)

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(CLASSIFICATION AND REGISTRATION)
RULES 1997**

EDUCATION SECRETARIAT

NOTIFICATION

**No. ED 116 VIVIDA 95 (A) Bangalore,
dated: 17th March 1997.**

Whereas the draft of the Karnataka Educational Institutions (classification and Registration) Rules, 1995 was published in Notification No. ED 116 VIVIDHA 95, dated 14th November, 1995 in Part-IV Section 2C(i) of the Karnataka Gazette Extraordinary dated 14th November, 1995, inviting objections and suggestions from the persons likely to be affected thereby:

And whereas the said Gazette was made available to the public on 14th November, 1995:

And whereas the objections and suggestions received in this regard have been duly considered by the State Government:

Now, therefore in exercise of the powers conferred by subsection (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:-

1. Title, commencement and application:-

- (1) These rules may be called the Karnataka Educational Institutions (Classification and Registration) Rules, 1997.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) Nothing in these rules shall apply to Commerce Institutions.

2. Definitions.-In these rules, unless to context otherwise requires-

- (a) 'Act' means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995).
- (b) 'Form' means a form appended to these rules;
- (c) 'Local Authority' means such authority as entrusted by the Government with the control or management of Municipal or local funds;
- (d) 'Local fund' shall have the same meaning as given to it by Article 2 (17) of the Karnataka Financial Code, 1958.
- (e) 'Section' means section of the Act.

3. Procedure for registration of Educational Institution:-

- (1) Applications for registering an Educational Institution shall be filed in Form-1 before the registering authority or the authority authorised in this behalf, only in the month of March in every academic year and shall be delivered in person or through registered post and acknowledgement obtained.
- (2) Every such application for registration to the class of institutions specified in column (2) of the table below shall be accompanied by a registration fee as specified in the corresponding entry in column (3) thereof. The registration fee shall be paid in the form of account payee cheque or demand draft drawn within one month from the date of application and in favours of the registering authority. The demand draft shall be made payable at the branch of the Bank located in the headquarters of the registering authority or in the surrounding locality.

Published in the Karnataka Gazette Part IV section 2c(i) Extraordinary No.339 dated 17.3.1997.

TABLE

SI. No.	Class of Educational Institutions	Registration fee to be paid
1.	Pre Primary Institutions	2000 - 00
2.	Lower Primary Schools with Pre Primary section (Standard I to IV)	5000 - 00
3.	Upper Primary Schools (for Kannada Medium) (Standard V to VII) (for English Medium)	5000 - 00 10000 - 00
4.	Secondary Schools (Standard VIII to X)	10000 - 00

- (3) Registration fee once paid shall not be refunded where registration is granted and where registration is refused, the amount of the fee paid shall be refunded without interest to the applicant. The refund shall be made in the form of account payee cheque drawn by the registering authority on the local treasury where the applicant resides.
- (4) The registration fee received under sub-rule (2) shall be held in a personal deposit account opened in the name of the registering authority or the authority authorised in this behalf in the nearest District Treasury.
- (5) (a) The registering authority shall verify the suitability and eligibility of each application in accordance with the provisions of Section 31 and the rules made thereunder. He shall issue to the governing council registration certificate or the refusal order, as the case may be within the time limit specified in sub-section (3) of Section 31.
- (b) The registration certificate shall be issued in Form-11
- (c) The refusal order shall indicate the reasons for refusal and shall be accompanied by the voucher of refund of registration fee.
- (d) The Governing Council in whose favour the registration certificate is issued shall start the institution and the standard during the academic year as per specifications laid down in the registration certificate and the date of starting shall be intimated to the registering authority . Failure on the part of the Governing Council to start the institution and the standard during the specified academic year shall lead to automatic cancellation of registration certificate and on no account it shall stand valid for the subsequent academic years.

4. Conditions for registration of educational Institutions:-

- (1) Procedure for determining the need for opening of a new educational institution or upgradation of an educational institution, shall be as follows:-
- (a) The registering authority or the authority authorised in this behalf shall make an assessment of the educational needs of the area coming under its jurisdiction with reference to each locality, which shall be based on :-
- (i) the size of the population in the locality;
- (ii) the existing educational facility including the types of educational institutions in and around the locality;
- (iii) the strength of students in each of the existing institutions with reference to each standard and section;

- (iv) the distance from each of the existing institution to the location of new school proposed;
- (v) the needs of the locality and status of the locality with reference to the habitation and backwardness;
- (vi) the literacy percentage;
- (vii) any other factor that the authority feels relevant:

Provided that while making assessments the authority shall take into account the needs of the scheduled caste / scheduled tribe category, girls, handicapped children and the minority communities in the locality, so however that in the case of minority institutions the assessing authority shall bear in mind the wider interests of the particular minority community.

- (b) Based on the need based assessment the authority shall clearly identify the educational needs of each locality in terms of type of new educational institutions needed. This shall be upgraded every year and shall be kept open for the information of the applicants seeking registration of new educational institutions in the particular locality.
 - (c) The suitability and eligibility of any applicant seeking registration of new institution in a locality including class or type of institution shall be verified with reference to the assessment needs above, by the registering authority.
- (2) Procedure for determining the financial viability of an applicant seeking registration of a new educational institution, shall be as follows :-
- (a) The registering authority shall satisfy itself about the financial position of the applicant based on verification of the following documents, namely:-
 - (i) latest audited Balance Sheet and assets and liability statement of the applicant institution which has been duly certified by a Chartered Accountant;
 - (ii) audited Balance Sheet and assets liability statement of other educational institutions run by the applicant institution which shall be duly certified by a Chartered Accountant;
 - (iii) the Bank transaction and the cash balance in the account operated by the applicant institution;
 - (iv) certificate from the Bank regarding the cash balance in the account of applicant institution.
 - (b) the registering authority after verification of the documents shall ensure that the applicant institution.-
 - (i) holds in its own name a minimum cash balance of rupees five lakhs or assets worth to that extent;
 - (ii) is possessed of an initial corpus fund to establish maintain and run the proposed educational institution;
 - (iii) has the capacity to deposit stability fund as required under the rules

governing recognition of the class of educational institutions to which it belongs.

(iv) has the capacity to provide suitable facilities like site, building, accommodation, staff, equipment etc, required under the rules prescribed in this regard, and may also secure any other information as it may deem necessary for the purpose;

(3) Rules 4,5,6 and 9 of the Karnataka Educational Institution (Classification, Regulation and Prescription of Curricula etc) Rules 1995.

Shall apply in respect of site, building, accommodation, water, sanitary facilities, teaching staff etc.

(4) General conditions for registration shall be as follows:-(a) Every applicant institution seeking registration shall,-

- (i) abide by all the provisions of the Act and the rules made thereunder;
 - (ii) abide by the curricula, text books, medium of instruction and examination rules as may be specified by the competent authority;
 - (iii) appoint qualified staff;
 - (iv) follow admission and fee regulations prescribed;
 - (v) start the institution only after the receipt of registrations certificate.
 - (vi) shall start the classes as specified in the registration certificate;
 - (vii) Keep the location of site and institution open and access-able to all;
 - (viii) spare the building and staff for the purpose of conduct of examinations, training programmes, census and other departmental work as and when they are required to do so.
 - (ix) Provide all facilities as specified in the Karnataka Educational Institutions (Classification , Regulation and Prescription of Curricula) Rules, 1995.
 - (x) not make claim for administration to grants on the basis of registration certificate issued;
 - (xi) make application for recognition of the registered institution within the time frame.
- (b) At the time of making application, every applicant shall give to the registering authority or the authority authorised in this behalf, an undertaking to comply with the general conditions specified in clause (a)

5. Procedure for registration or upgradation of educational institution.-

- (1) Every educational institution intending to add any new class or course of subject, shall make an application to the registering authority in Form No VI one year prior to the commencement of the academic year.
- (2) Every such application shall be accompanied by a fee equal to 1/5 of the fee specified under sub-rule (2) of rule 4 in respect of a new class, or course and 1/20 of the fee so specified in respect of addition of any new subject Provisions of rule 3 shall mutatis-

mutandis apply in respect of payment of refund of fees.

- (3) While granting upgradation, regard shall be had to the past performance of the educational institution in the matter of faithfully implementing the objectives as per the provisions of the Act and the rules, notifications and orders thereunder and general reputation of the institution among the public and students.
- (4) While issuing a registration certificate in respect of such upgraded educational institution the original certificate (as modified from time to time) shall be withdrawn and a new certificate issued in Form NO VII.

6. Registration of existing recognised educational institutions.-

- (1) For registration of an educational institution specified under section 30 such educational institution shall file a statement in Form No VIII before the registering authority, within a period of six months from the date of commencement of these rules or from the date of appointment of the registering authority whichever is later.
- (2) The statement under sub-rule (1) shall be delivered personally in the office of the registering authority and due acknowledgement obtained or shall be sent by speed post or registered post acknowledgement due.
- (3) On being satisfied that the educational institution is fit in all respect to be registered, the registering authority shall issue a certificate of registration in Form No IX.

7. Intimation of change:-

- (1) The Governing Council of every private educational institution shall intimate any change in the particulars of the educational institution to the registering authority in Form No.III. Such intimation shall be sent by speed post or registered posts acknowledgement due or delivered in person in the office of the registering authority.
- (2) On receipt of intimation under sub-rule (1) and upon such enquiry as it may deem necessary the registering authority may, by an order, require the educational institution to surrender the registration certificate.
- (3) The surrendered certificate of registration shall become the property of the registering authority. In case of changes in the particulars of an educational institution a new registration certificate shall be issued in Form No IV. The surrender and issue new registration certificate shall be entered in the register of educational institutions maintained by the registering authority both against the old registration and the new registration.

8. Form of register of Educational Institutions;-

- (1) Every registering authority shall maintain a register of educational institutions in Form No V.
- (2) Every such register shall be firmly bound and given running folio numbers.
- (3) Before opening any register, the registering authority shall on the inner cover page of the register certify the date of opening the register and number of folios (from Number and to Number) in it.
- (4) On completion of all the folios, the date of such completion shall also be recorded by the registering authority on the inner cover page as aforesaid.

9. Terms of conditions of appointment.-

- (1) The terms and conditions of appointment of the expert body, constituted under section 37 shall be as may be specified by the Government from time to time.
- (2) Every such expert body shall consist of not less than five and not more than eleven members composed as under.
 - (i) not less than two but not more than four members from among experts in the field of study to which the educational institutions is related;
 - (ii) not more than three members from among parents of students in the feeder educational institution in the locality or in surroundings;
 - (iii) not more than two members from among experts in general management; and
 - (iv) not more than two members from among officials to be nominated by the State Government; so however that there is at least one member in each class on the Board.
- (3) The Board of Experts shall devise its own procedure and make local enquires by visiting the place of the concerned educational institution and give an opportunity to the educational institution concerned to state its case either orally or in writing or both .
- (4) The recommendations of the Board of Experts shall be made by an ordinary majority of the members.
- (5) In case of equality of votes the Chairman of the Board shall have the right to exercise a second or casting vote.
- (6) Every dissentient member shall append his dissenting note to the report of the Board of Experts.

By Order and in the name of the
Governor of Karnataka
H.A.PRAMILA
Under Secretary to Government.
Education Department.
(General)

FORM No. I

(See sub rule (1) of rule 3)

(Use additional sheets.annexures where ever necessary)

To

(specify here the designation and address of Registering authority)

Sir,

For and on behalf of

(Specify here the name of the educational institution seeking registration). This application is submitted for registration of the said institution under section 31 of the Karnataka Education Act; 1983 (Karnataka Act No. 1 of 1995) particulars are as below:-

1. Name and Location or
Proposed name location of the institution
2. Name and address and nature of the local authority or
Governing Council (enclose a copy of the certificate of registration, a copy of the memorandum of Association etc., of the Society, trust, deed etc.,) [(See.2 (17)]
3. Objectives of the Educational institution proposed to be established.
4. Date from which the proposed institution is proposed to be started.
5. Class or type of educational institution proposed to be established (like lower primary, higher primary, secondary etc.,)
6. Medium of instruction proposed to be introduced.
7. Details of preliminary formalities if any completed with the concerned authority/ professional body/university / other affiliating agency.
8. Details of educational institutions established managed and administered by the local authority or Governing Council immediately prior to this application.
9. Explain the need for providing the intended educational facilities to the people in the locality with reference to
 - (a) Size of the population in the locality. (As per latest census Report)
 - (b) literacy percentage.
 - (c) Details of other existing educational institutions in and around the locality with regard to:
 - (i) the distance from the proposed institution
 - (ii) strength and attendance in each standard.
 - (d) Details regarding feeder institutions in and around the locality with regard to
 - i) the distance from the proposed institution,
 - ii) strength and average attendance in each standard.
 - iii) the names of present educational institutions to which the students are admitted (Please also mention the distance of each such institution)
 - (e) Details regarding the existing habitations in the locality and their state of backwardness with special reference to
 - (i) SC/ST. category
 - (ii) girls handicapped children
 - (iii) minority community (Full factual verifiable date to be provided)

10. Furnish the following:

- (a) Estimate of financial implications to provide infrastructure, teaching facilities, equipment etc., at current market prices as per the standards prescribed in the Act and rules.
- (b) Audited and certified latest balance sheet, income and expenditure statement.

(Certified by a chartered accountant or such other authority which under law is competent to certify the accounts of the local authority/Governing Council/ [(see sec. 2(17).]

- (c) Certificates from the bank to show cash balance.
 - (d) photo copy of title deeds to evidence possession of the extent of land required for building, playground, etc., of the prescribed standards.
 - (e) Blue print to evidence that building to the required extent and of the required specifications are available.
 - (f) Statement of latest audited and certified accounts and annual report of the other annual report of the other educational institutions being run by the local authority or governing council.
 - (g) Name, address, qualifications and experience of teaching staff, furnish in position. The qualification prescribed by the Govt./competent authority, concerned professional body, university or the assiliating authority and the number of the staff to be employed in each cadre
 - (h) Copy of the resolution of the governing council authorising the secretary to file this application.
 - (i) Name full address of the correspondent/secretary cum correspondent authorised to carry out the correspondence with the govt/department.
11. Name, father's name, age, qualification, address occupation of the members of the governing council
 12. Name, father's name, age, qualification, address and occupation of the members (of the members) of the managing Committee. (See Sec. 2(a))
 13. Any other information which the applicant wishes to furnish.
 14. Amount of registration fee paid. (Demand draft no. & date, bank on which drawn).

Certified that the information furnished above is true and correct to the best of my knowledge and belief.

For on behalf of
(Specify the name of educational
institution)

Signature of the secretary

Place :

name in capital letter and
rubber stamp.

Date :

DECLARATION BY THE APPLICANT INSTITUTION

The management of the governing council agree to: (see rule 4(4) to xii for rule 4 (4)
for on behalf

Signature of the Secretary
Name in capital letter and
rubber stamp.

FORM NO II

See Sub-rule (5) (b) of rule 3

CERTIFICATE NO

Certified that

(Specify here the name and address of the local authority, society or trust as the case may be) Governing council has been registered under section 31 of the Karnataka Education Act 1983 (Karnataka Act No. 1 of 1995). This the day of one thousand nine hundred..... For the purpose of running the following

class of educational institution at (specify the place here)

- 1) serial no.
- 2) Class of educational institution
- 3) standards permitted
- 4) The academic Year the standards are to be opened.
- 5) Medium of instruction permitted details of registration
- 6) fees paid

The educational institution is registered at si. No..... at page no..... of volume no..... of the register of educational institutions maintained in this office. The registration certificate issued here is subject to conditions stipulated under:

- 1) The validity of the registration certificate shall be governed by the rule 3 (5) (4).
- 2) That the governing council shall fulfill all the general conditions as stipulated in rule 4 (4).
- 3) The conditions to be fulfilled in respect of site, area, building, equipment, staff, financial viability etc.,
- 4) Any other condition specified by the authority.

Place:

Date:

Signature and name
designation & official
Seal of the Registering Authority

FORM NO III

See Sub-rule (1) of rule 7

To

(Indicate the name and address of the Registering Authority)

Sir,

WHEREAS..... here specify the name and address of the Local Authority, society or trust, as the case may be) is registered under no. on..... (Here specify the date) by.....(here specify the name and address of the registering Authority) as an educational institution under section 31 of the Karnataka Education Act, 1983 (Karnataka Act No.1 of 1995). This has been registered at sl.no.of page no.of volume of the register of educational institution maintained in this office.

for purpose of running..... class of educational institution.

AND WHEREAS the following Changes have taken place in the particulars furnished under sub section (i) of section 31 to the registering Authority at the time of registration:

Sl. No.	Particulars furnished at the time of registration	Changes that has taken place	reasons for the change
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AND NOW THEREFORE the Governing Council of educational institution here by intimates the Registering Authority of the foresaid change or closure as the case may be.

The original Registration certificate bearing no.....dated issued by..... (here specify the name and address of the Registering Authority) in enclosed with a request to amend the register of educational institution and issue fresh Registration certificate/cancel the Registration Certificate.

The undersigned has been authorised by resolution no. of the Governing Council to file this application.

Place:

Date:

Signature with name & Address of the person with official seal making the application on behalf of the Governing Council.

FORM NO. IV

See sub-rule (3) of rule 7

MODIFIED REGISTRATION CERTIFICATE

SI. No.

WHEREAS (Specify here the name and address of the local authority, society or trust, as the case may be) was registered as the Governing Council, to run the following class of educational institutions.

S.No.	Class of Educational Institution	Stds admitted	The academic year to be opened	medium of instruction.	Details regarding. Fee paid
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AND WHEREAS the said Governing Council has made an application under sub-section (5) of section 31 of the Karnataka Education Act, 1983, (Karnataka Act No. 1 of 1995) intimating changes that have taken place in under particulars furnished by the said Governing Council under sub-section (1) of section 31, at the time of Registration of the Governing council.

AND NOW THEREFORE, the original Registration Certificate bearing no. datedissued by(indicate here the name & address of the registering authority which had issued the said certificate) is hereby withdrawn and cancelled and necessary entries made in the register of educational institution.

AND KNOW THEREFORE this modified registration certificate is being issued in favour of..... (indicate here the name address of the local authority, society or trust, as the case may be) to run the following classes of educational institution,

SI No.	Class of Educational institution	fee paid	stds permitted	The academic year to be opened	medium of instruction
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The Governing Council referred to in the proceeding para, is registered under si. no. of page of..... volume of the register of educational institutions maintained in this office.

This certificate is issued this day of..... (here specify the month) of one thousand nine hundred

Signature with name and designation of the Registering authority with official seal

FORM NO. V

See sub-rule (1) of rule 8

REGISTER OF EDUCATIONAL INSTITUTIONS

Sl. No.	Name & address of the Governing Council	Nature of the Governing Council	Member of the Governing Council	Name of Educational Institution	Name of the Reg. Course run in each such educational Institution	Registration certificate No. & Date of issue	Signature of the Registering Authority
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FORM NO. VI

See Sub rule (1) of Rule 5

APPLICATION FOR UPGRADATION OF EDUCATIONAL INSTITUTION

To

(Indicate here the designation & address of the Registering Authority).

Sir,

For and on behalf of

(Specify here the name of the Governing Council), this application is submitted under Section 32 of the Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995) and the relevant rules, for upgradation of

educational institution (specify here the name & address of the educational institution.)

A new Registration Certificate may please be arranged to be issued:

- 1) Courses being run now :
- 2) Higher classes new subjects courses to be opened :
- 3) Any other type of upgradation proposed to be made :
- 4) Particulars of Registration Fee if any paid :
- 5) Any other information that the applicant wishes to furnish :

I have enclosed herewith in original, Registration Certificate bearing no. dated issued by

(specify here the designation of the registering authority which issue the application).

Place:

Date:

Signature with name &
Designation with official seal.

FORM NO. VII

See sub rule (4) of rule 5

NEW REGISTRATION CERTIFICATE

SL.NO.

WHEREAS (specify here the name & address of the local Authority, society, or trust, as the case may be) was registered as an educational institution at SI.No. of page No. of volume no..... of the register of the educational institution maintained in the office of..... (specify here the name and designation of the original registering authority).

AND WHEREAS as the aforesaid Governing Council was issued with a registration certificate to run the following classes of educational institutions:

SI. No.	Class of Educational institution	Stds permitted	Academic year the Std. are to be opened	Medium of instruction permitted
---------	----------------------------------	----------------	---	---------------------------------

AND WHEREAS the said Governing Council has made an application for upgradation of the said educational institution under section 32 of the Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995) with the addition of the following courses / subjects.

SI. No.	Class /	Kind of courses	subjects	details of fee paid
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AND WHEREAS the Registering Authority is satisfied that educational institution is qualified for upgradation.

NOW THEREFORE the original registration certificate bearing no. dated issued by (here specify the name & address of the registering authority which issued the earlier registration certificate) is hereby withdrawn and necessary entries made at si. No. of page of volume of the register of the educational institution maintained in this office.

AND NOW this new certificate of Registration is issued in favour of (specify here the name & address of the local authority, society or the trust, as the case may be) under section 32 of the said Act, to run the following class of educational institutions:

Sl. No.	Class of Educational institution	Stds permitted	Academic year the Std. are to be opened	Medium of instruction permitted
---------	----------------------------------	----------------	---	---------------------------------

This institution has been registered at si. No. of page of volume..... of the register of educational institutions maintained in this office. This certificate is issued this day of (specify here the month) of one thousand nine hundred.

Signature with name
& designation of the
Registering Authority with
official seal.

FORM NO. VIII

See sub rule (1) of rule 6

FORM OF APPLICATION FOR REGISTRATION OF EXISTING RECOGNISED EDUCATIONAL INSTITUTION

To

(Specify here the designation & address of the Registering Authority).

Sir,

For and on behalf of

(specify here the name of the local authority, trust or society, as the case may be) this application is being submitted for registration of the said institution under section 33 of the Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995) for registration of an existing educational institution namely.

(Specify here name and address of the educational institution).

Particulars are as follows:-

1. Name & location of the existing educational Institution
2. Name & address and nature of the local Authority, or the Governing Council (enclosed a copy of the Certificate of Registration, a copy of the Memorandum of Association etc., of the society, Trust, etc.,) (see Section 2 (17))
3. Objectives of the Educational Institution :
4. Details of the course being run:

Sl No.	Name of the course	Intake	Recognising Authority	No. & Date of the order recognising the course	Medium of Instruction
--------	--------------------	--------	-----------------------	--	-----------------------

5. No. Of teaching staff and non teaching staff employed.
6. Any other information the applicant wishes to furnish.

I request that a Registration Certificate may please be issued.

Certified that the information furnished above is true and correct to the best of my knowledge and belief.

Place:

Date:

Signature of the applicant
with name & designation and
with official seal.

FORM NO. IX

See sub-rule (3) of rule 6

**REGISTRATION CERTIFICATE FOR RECOGNISED
EDUCATIONAL INSTITUTIONS EXISTING AT THE
COMMENCEMENT OF THE ACT**

SL NO.....

Certified that

(specify) here the name & address of the Local Authority. Society or Trust, as the case may be) Governing Council has been running the following courses at the commencement of the Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995).

Sl. No.	Course/ Class of educational Institution	Intake	Name & address of the Recognising Authority	Recognitlon Order No & Date	Stds. permitted	Medium of Istruction
---------	---	--------	---	-----------------------------------	--------------------	----------------------------

This certificate is issued this day ofof one thousand nine hundred

This Institution is registered at Sl. No..... of Page No. of volume no, of Educational institution maintained in this office of Register

Place:

Date:

Signature with name &
designation of the Registering
Authority with Official Seal.

EDUCATIONSECRETARIAT

NOTIFICATION

[NO. : ED 34 VIVIDHA 2003, Bangalore, Date : 26th May 2003]

Whereas the draft of the Karnataka Educational Institutions (Classification and Registration) (Am endowment) Rules, 2002 was published in Notification No. ED 98 SES 2002, date 10th January 2003 in Part-IV-A of the Karnataka Gazette extraordinary dated 21-01-2003 inviting objections and suggestion from the persons likely to be affected thereby.

Whereas the said Gazette was made available to the Public on 21st January 2003,

And whereas no objections or suggestions were received in this regard.

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

- 1. Title and commencement :** (1) These rules may be called the Karnataka Educational Institutions (Classification and Registration) (First Amendment) Rules, 2003.
(2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Amendment of rules 3 :-** In sub-rule (1) of rule 3 of the Karnataka Educational Institutions (Classification and Registration) Rules, 1997 for the words "in the month of March" the words "in the month of October" shall be substituted.

By Order and in the name of Governor of Karnataka

SUNDARA RAJA GUPTHA

Under Secretary to Government

Education Department (University & General - 1)

EDUCATION SECRETARIAT

NOTIFICATION

[NO. : ED 63 SES 2004, Bangalore, Date : 12th August 2005]

Whereas the draft of the Karnataka Educational Institutions (Classification and Registration) (Amendment) Rules, 2004 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 63 SES 2004, dated 24-06-2004 in Part - IV - A of the Karnataka Gazette Extra - ordinary dated 24-06-2004 inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of the publication of the draft in Official Gazette.

And whereas, the said Gazette was made available to the public on 24-06-2004.

And whereas, no objections or suggestion were received in this regard within the specified period, by the State 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 :-

1. **Title and Commencement** :- (1) These rules may be called the Karnataka Educational Institutions (Classification and Registration) Amendment) Rules, 2004.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Amendment of Rule 3**:- In sub-rule (1) of Rule 3 of the Karnataka Educational Institutions (Classification and Registration) Rules, 1997 for the words "in the month of October in every academic year", the words and figures "on or before 31st day of October of the year preceding the academic year in which the educational institution is intended to be started", shall be substituted.

By Order and in the name of Governor of Karnataka

SIDDALINGAH

Under Secretary to Government
Education Department

[ED 116 VIVIDHA 95]

Karnataka Government Secretariat,
Multi stored Building,
Bangalore, Dated 4.10.96.

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(CLASSIFICATION, REGULATION AND PRESCRIPTION
OF CURRICULA ETC.,) RULES, 1995**

(As amended in Notification No ²[ED 71 Vivida 97
dated 8.10.99]³[ED 4 ViVida 2001 dated 5-7-2001]³

NOTIFICATION

Where as the draft of the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula) Rules, 1995 was published in No. ED 116 VIVIDHA 1995, dated 14th November, 1995 in Part-IV section 2c (i) of the Karnataka Gazette Extraordinary dated 14th November, 1995, inviting objections and suggestions from the persons likely to be affected thereby;

And whereas the said Gazette was made available to the public on 14th November, 1995;

And whereas the objections and suggestions received in this regard have been duly considered by the State Government;

Now, therefore in exercise of the powers conferred by subsection (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:-

1. Title and commencement.-

- (1) These rules may be called the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula etc.,) Rules, 1995.
- (2) They shall come into force from the date of publication the Official Gazette.

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

- (a) "Act" means the Karnataka Education Act, 1983, (Karnataka Act 1 of 1995);
- (b) "Pre-Primary Education" means informal education below first standard for children between the ages three and five years by whatever name it is called, like play home, kindergarden, nursery etc.

3. Prescription of classes relating to Primary and Secondary Education for the purpose of clauses (25) and (32) of section 2.-

- (a) 'Primary Education' shall have classes from 1 to VII standard; with I to IV as lower primary and V to VII as upper primary;
- (b) 'Secondary Education' shall have classes from VIII standard to X standard;

4. General regulations relating to buildings of educational institutions.- No educational institution or Part thereof shall function in a building, unless,-

- (a) it is located in healthy and sanitary surroundings;

1. Published in the Karnataka Gazette Part IV section 2c(i) Extraordinary No 1227 dated 4.10.1996.
2. Published in the Karnataka Gazette Part IV 2c(i) Extrodinary No. 1317 dated 28.10.99.

- (b) it is built with safe roof and structure;
- (c) it is built in such a way as to ensure sufficient air and light both inside the classrooms and in the staircase, corridors and alleys;
- (d) the height of the building from the floor to the ceiling in each storey is more than eight feet;
- (e) it is of not more than seven storeys from the ground level;
- (f) where it is of more than one floor from the ground level, safe and proper staircases are provided;
- (g) where it is of more than three storeys from the ground level, proper and safe lift facility is provided;
- (h) it is not used in any part of the day, week, month or year, for any purpose other than for the furtherance of education;

5. General regulations relating to minimum accommodation per student furniture etc.-

- (1) Every building of an educational institution shall provide adequate and proper accommodation which shall ensure,-
 - (i) a separate classroom for each division/section of a standard; in the case of primary schools a separate classroom for each teacher;
 - (ii) carpet area for each student of not less than six square feet;
 - (iii) separate rooms, one for the chambers of the head of the institution, one for the staff-room and one for general office;
 - (iv) separate accommodation for library, reading room and stores, in institutions imparting secondary and higher education;
- (2) Every educational institution shall provide sufficient area for play ground, enough for all the students in the institution to assemble, and to play and watch atleast two outdoor games at one time.
- (3) All the classrooms, chambers, staffrooms, office room, library, reading room and stores shall be equipped with appropriate furniture of good quality material.

6. Provision of drinking water, toilet and other facilities.-

Every educational institution shall provide,-

- (1) Safe and potable drinking water in quantities sufficient for all the students, located at convenient points within the building.
- (2) Adequate toilet facility, urinal accommodation, dining hall and canteen within the premises of the institution and maintained in good sanitary condition, ensuring sufficient water supply at all points. Provided that toilet facility and urinal accommodation shall be provided separately for boy students and girl students.

7. Time for providing facilities to existing institutions.-

All the educational institutions existing as at the date of commencement of this rules shall provide the facilities specified in rules 4, 5 and 6 within three years from such commencement. No new educational institution shall begin classes unless it has substantively complied with all the provisions of rules 4,5 and 6.

8. Fencing of dangerous places within the premises of the educational institutions.-

It shall be the duty of the management to ensure that all dangerous places and areas within the premises of the educational institution are fenced around for the safety of students.

9. Provision of staff . -

- (1) Every recognised educational institution shall appoint only qualified teachers and other staff as specified in the recruitment rules notified by the State Government or the competent authority authorised in this behalf.
- (2) In case of primary schools there shall be a minimum of one teacher for every forty students or fraction thereof.
- (3) In case of secondary schools and higher institutions the teachers shall be appointed as per the staff pattern specified by the State Government from time to time.

10. Collection of fees.-

- (1) The procedure for collecting fee in all classes from pre-primary upto the degree level in -all recognised educational institutions shall be open, transparent and accountable.
- (2) The fees to be collected shall be classified as,-
 - a) Term fees
 - b) Tuition Fees
 - c) Special Development Fees
- (3) (a) Term Fees,-
 - (i) No term fees shall be collected from pre-primary and lower primary students;
 - (ii) In upper primary and higher classes, term fees shall be collected at the rate specified by the State Government or the Competent Authority authorised in this behalf through a notification and shall be collected only for the items listed in the said notification.
 - (iii) Term fees collected by the recognised educational institutions for each term from the students shall be subject to exemptions made by the State Government from time to time in this regard.
- (b) Tuition fees.-
 - (i) In case of Government and recognised private aided institutions tuition fees shall be collected only from the failed students at the rates specified by the State Government or the Competent Authority authorised in this behalf.
 - (ii) In case of recognised private unaided institutions tuition fees may be collected from all the students which shall be commensurate with the expenditure incurred towards salary of staff and the quality of education provided by the institution.
- (c) SPECIAL DEVELOPMENT FEES.-Special development fees may be collected,-
 - (i) In the case of a recognised aided educational institution upto a maximum of [Rupees Five hundred per year.]¹
 - (ii) in the case of a recognised unaided educational institution upto a maximum of Rs. 600/- per year.
- (4) Every recognised private educational institution shall maintain a brochure showing the details of items of fees and the amount of fees prescribed for each item. The same shall be displayed prominently on the notice board of the educational institution for the information of parents and students.

1. Substituted in Notification No. ED 4 Vivdha 2001 dt. 5,7.2001.

- (5) The fee specified shall not be varied to the dis-advantage of the parents in the middle of the academic year on any account.
- (6) Details of specified fee together with the brochure shall be sent to the Departmental Authorities for information. The specified fee may be collected in cash if the amount of fee is less than Rs. 1000/- and if such amount is Rs. 1000/- and above, either by cash or demand Draft at the option of the parent. It shall be the duty of the head of the Institution to issue official fee receipts for all fees received and it shall be delivered immediately on production of cash or Demand Draft as the case may be to the person making the payment. The receipt shall however be issued in the name of the student concerned.
- (7) While specifying the fee structure, provision shall be made to make payment of the fee in monthly, quarterly, half yearly instalments or in one lumpsum at the option of the student or his parent.
- (8) The amount of fee collected amount under different items shall be accounted as per specified procedure. The items due to be remitted to the State Government under term fees and tuition fees shall be remitted immediately after collection and the remaining amount pertaining to items of fees under term fees shall be kept in the official personal Deposit Account of the Head of the institution. The Personnel Deposit Account shall be opened for this purpose in any Post Office or any Nationalised Bank located in the surrounding of the institution. All receipts on account of tuition fee (in respect of recognised private unaided institutions) and the special development fees shall be kept in the official joint account of the Head Master and the Secretary/President of the managing committee. All the amount of fees collected shall be accounted and the accounts shall be produced before the competent authority for verification at the time of visits and inspections. The Head of the Institution shall be responsible for safe custody of funds, its proper accounting and for production of the accounts for verification before the concerned authorities.
- (9) Compelling students to attend any tutorial class payment of fees, beyond the normal working hours of a class in a recognised educational institution; is prohibited.

11. Provision of Uniform, Clothing, Text Books etc.;

- (1) Every recognised educational institution may specify its own set of Uniform. Such uniform once specified shall not be changed within the period of next five years.
- (2) When an educational institution intends to change the uniform as specified in sub-rule (1) above, it shall issue notice to parents in this regard at least one year in advance.
- (3) Purchase of uniform clothing and text books from the school or from a shop etc., suggested by school authorities and stitching of uniform clothing with the tailors suggested by the school authorities, shall be at the option of the student or his parent. The school authorities shall make no compulsion in this regard.

12. Parent Teacher Committee.-

- (1) It shall be the duty of the head of every recognised educational institution, to constitute a Parent Teacher Committee within thirty days of the commencement of each academic year;

- (2) Till a Committee is constituted, under sub-rule (1) the committee constituted in the preceding academic year shall continue to function;
- (3) The parent Teacher Committee for each educational institution shall consist of the following:-
 - (a) Three representatives of the parents of the students who have studied upto SSLC or above of whom one shall be a woman and they shall be selected from among the willing parents.
 - (b) The head of the institution;
 - (c) Three class teachers in the institution selected by rotation;
 - (d) the Secretary of the Governing Council of the Educational Institution;
- (4) Whereas, the members of the Parent teacher committee specified by clauses (b) and (d) of sub-rule (3) shall be ex-officio, the members selected under clause (a) and (b) of sub-rule (3) shall hold office, for the period till the next committee is constituted under sub-rule (i).
- (5) The functions of the Parent-Teacher Committee shall be as follows:-
 - (a) to redress the grievances of the students and their parents, if any;
 - (b) to devise such action programmes as could be conducive for a healthy student-teacher, parent-teacher, teacher-management, parent-management relations.
 - (c) any other activity conducive to the welfare of the students;
- (6) The Secretary of the Governing Council shall be the Chairman of the Parent-Teacher Committee.
- (7) The Head of the Institution shall be the Member Secretary of the Parent-Teacher Committee. He shall call for all the meetings of the committee, draw up proceedings of the Board and give effect to the decisions of the committee under the orders of the Chairman of the committee; All the proceedings of the committee shall be authenticated by the Chairman. The correspondence and other secretarial activities shall be carried on by the Member-Secretary.
- (8) Every decision of the Parent-Teacher Committee shall be taken by an ordinary majority of the elected members present and voting. In case of equality of votes, the Chairman shall have a casting vote.
- (9) The Parent-Teacher Committee shall meet atleast once in three months in the premises of the educational institution. If the Chairman is unable to attend such quarterly meeting, he shall authorise some other member to chair such meeting.
- (10) Meeting notice shall be despatched to the members of the parent Teacher Committee at least ten days in advance. The quorum for the meeting shall be one-third of the total members of whom atleast one shall be a parent member.
- (11) The first meeting of every monthly constituted parent-Teacher Committee shall be held on the day of its constitution. An order constituting the committee shall be issued by the Head of the Institution.
- (12) Meetings of the Parent-Teacher Committee shall be held during working hours of the school with in the premises of the Institution.

13. Regulation of Admission.-

- (l) The State Government or the Competent authority authorised in this behalf shall by

notification specify the minimum and the maximum number of students to be admitted in a recognised educational institution subject to the provisions of these rules.

- (a) For primary including upper primary schools the maximum admissions shall be Fifty students for each class.
 - (b) For secondary schools the minimum admission shall be thirty students and the maximum admission shall be sixty students in each class.
 - (c) For Pre-University College, First Grade College and other Institutions of higher learning the minimum admissions shall be thirty students and the maximum admissions shall be one hundred for each class:
Provided that in case of minority educational institutions the minimum admission for any class shall be fifteen.
 - (d) Notwithstanding anything contained in these rules, in case of private aided institutions from primary and upto first grade college the maximum and minimum number of admissions for each class shall be as stipulated in the Grant-in-aid rules.
- (2) The State Government or the Competent authority shall by notification specify the conditions of admission regarding eligibility, minimum age, migration, removal of students etc., in any recognised educational institution or class of such institutions.
 - (3) The State Government or the Competent authority shall by notification specify the method of admission to various courses, classes and categories of educational institutions.

14. Procedure for admission.-

- (1) The procedure for admission for any class or institution shall be open and transparent.
- (2) Admissions shall commence after a notification is issued and displayed prominently in the premises of the educational institution, inviting applications for admission and specifying the number of seats available for admission. Application forms shall be made available to the parents for at least five working days of not less than four working hours each. The parents shall be given a minimum of three working days of not less than four working hours each for registering the application form. The dates and working hours shall be clearly notified on the Notice Board. The application fee prescribed if any shall not exceed five rupees. In addition a brochure containing all the details may be made available to the parents at their option, the cost of which shall not exceed twenty rupees.
- (3) Every recognised educational institution imparting education from pre-primary upto degree level and situated within a larger urban area or smaller urban area shall admit in each year such number of students not exceeding twenty five percent of its total intake in each class as may be specified by the State Government from time to time.

EXPLANATION: “Larger Urban Area” and “Smaller Urban area “ means the area specified as such under the Karataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1963:

Provided that if sufficient number of such students are not available within the specified area, the educational institution may admit students from other areas.

- (4) the State Government while specifying the percentage of students and the distance under sub-rule (3), shall have regard to;
- (i) the density of population in the vicinity of the educational institutions;
 - (ii) the location of the educational institution;
 - (iii) the availability of transport facility to school going children residing in the locality where educational institution is situated;
 - (iv) the existence or other similar educational institutions in the same area.

The State government may specify different percentage of students and different distances for different urban areas or for different classes of recognised educational institutions situated in the same urban area;

- (5) Every recognised educational institution from pre-primary upto degree level which is established, maintained or aided by the State Government shall make provision for reservation of seats for candidates belonging to Scheduled Castes and Scheduled Tribes and other Backward Classes as per Government Orders in force from time to time.
- (6) Every process of admission from pre-primary upto degree classes in educational institutions allowing co-education, shall ensure that fifty percent of the total available seats in each institution in each category and reservation group shall be reserved for girl students. If no sufficient number of girl students are available for admission against such reservation the unfilled seats may be treated as un-reserved:
- Provided that provisions of sub-rules (5) and (6) shall not apply to minority educational institutions to the extent of admissions made by these institutions from among their own community students.
- (7) During the month of April of every year the Head of the educational institution shall display on the notice board the details regarding the calendar of events detailing the various stages involved in the admission process like date of issue of applications, last date fixed for receipt of applications, mode and place of issue of application forms, date of announcement of list of selected candidates, last date for admission etc., The process of admission shall be conducted accordingly.
- (8) The Head of the educational institution shall along with the calendar of events also display on the notice board the details regarding the number of seats available for each class, the fee structure specified and the criteria specified for selection of candidates.
- (9) The parent/guardian shall tender the application in person and get proper acknowledgement from the institution. The Head of the educational institution shall enter particulars of every such application in the 'Register of Applications' maintained for that purposes, in the order of their receipt.
- (10) The Head of the educational institution shall prepare a list of all eligible candidates who have registered for admission in the institution. Separate sub-lists shall also be prepared in respect of candidates of the Scheduled Castes and Scheduled Tribes and other Backward Classes as the case may be. Every candidate shall be allotted a registration number.
- (11) The lists of eligible and rejected candidates containing the name and registration number shall be published on the Notice Board of the institution, inviting objections

from any aggrieved party within a date to be specified in the notice so however that a minimum of five working days shall be allowed for filing objections. The objections received shall be registered and proper acknowledgments shall be issued. After considering the objections a final list shall be prepared and published on the Notice Board.

- (12)(a) The managing Committee shall from among the list of eligible candidates as published in sub-rule (11) and according to provisions made in sub-rules (2) to (7) shall prepare a list of selected candidates. Separate sub-lists shall also be prepared for each reservation groups in each category as per provision.
- (b) In case of admissions to secondary, pre-University and degree courses the Head of the educational institution shall after taking into consideration the total number of seats available for admission in the institution shall allocate eighty percent of such seats for admission through merit and allocate remaining twenty percent for admission by the management.
- (c) The procedure for selection shall be as follows:-
- (i) The Head of the educational institution, shall from among the list of eligible candidates published under sub-rule (11) and according to provisions made in sub-rules (2) to (7) and further taking into consideration the marks secured by the student in the qualifying examination prepare a list of selected candidates in the order of merit. Separate lists shall be prepared for each reservation group.
- (ii) the Managing Committee shall from among the list of eligible candidates published under sub-rule (11) prepare a list of selected candidates on the basis of merit.
- (d) Admissions to all classes shall be made on the basis of selection lists so published. If any of the seats remain unfilled even after the exhaustion of the list, the procedure as specified above shall be repeated till after all admissions are completed.
- (13) Educational institutions which are composite in nature shall make admissions to higher classes run by the same educational institution upto and inclusive of secondary level only to the extent the seats in such higher classes are rendered vacant by the students or their parents voluntarily refusing admission for higher classes. A student admitted of lower kinder-garten course or any other course which forms the initial course in that educational institution shall have a right to continue his studentship in the same educational institution upto and inclusive of secondary level provided he passes the terminal or the public examinations. In case of composite educational institutions involving pre-university and degree courses admissions .to pre-university course shall be completed in accordance with clause (b) and (c) of sub-rule (12) Provided that a provision of fifteen percent concession in the cut-off percentage shall be allowed to the students of that institution and students of sister institutions run by the same management. The admission to degree courses shall be automatic, subject to the student passing the terminal or public examination. The institution authorities shall have no right to ask the student to quit the educational institution on any ground including his poor performance in examination, provided he has secured a pass in the examination.

- (1) These rules shall apply to all admissions made by an educational institution not only to the initial course or standard appeared in that institution but also to admissions made to additional sections in any standard or course whether existing or newly opened.
- (15) Notwithstanding anything contained in these rules, the practice of institutions conducting interviews or tests or both to students or to parents or both for admissions upto primary level is expressly prohibited.
- (16) The Head of the educational institution shall be responsible for the strict compliance of provisions of this rules. He shall maintain all records concerning admissions and shall produce them for verification before the inspecting authority during visits and inspections. Any deviation or violation of rules noticed by the inspecting authority shall be referred to District level education regulating authority.

15. Violation of Rules regarding admission fees, or any provisions in the Act or Rules by the Institution.-

¹[(1)]¹ Any parent who is aggrieved by,-

- (a) violation of any of the provisions of these rules with respect to admissions by the institutions;
- (b) violation of any of provisions of these rules with respect to collection of fees; may file a petition in writing to the District Level Education Regulating Authority constituted under ¹[rule 16]¹

²[(2) “The District Regulating Authority may also suo-moto or on complaint made by any person interested orally or otherwise make an enquiry to satisfy themselves as to the correctness of the complaint and may pass as if may consider fit, after giving an opportunity to the party adversely affected by it an opportunity of making representation”.]²

16. Constitution and Functions of District Level Education Regulating Authority.-

³[(1) There shall be a District Level Education Regulating Authority (hereinafter called the Regulating Authority, for every district consisting of the following members, namely:-

- | | |
|--|---------------------|
| (a) Deputy Commissioner of the District | Chairman |
| (b) Chief Executive Officer Zilla Panchayat | Member |
| (c) Executive Engineer, Zilla Panchayat | Member |
| (d) Deputy Director Pre-University Education,
Department of the Concerned District. | Member |
| (e) Deputy Director of Public Instruction of the
Concerned District. | Member
Secondary |

(2) The State Government may by notification, constitute an Additional Authority in a District having Provisions of rules 3 to 8 shall apply mutatis-mutandis to additional Regulating Authority.

1. Substituted in Notification No. ED 71 Vivdha 97 dt. 8.10.99 we f 28 10 99

2. Inserted in Notification No. ED 71 Vivdha 97 dt. 8.10.99 w.e.f. 28.m99

3. Sub-rules (1), (2) and (3) Substituted in Notification No ED 71 Vivdha 97 dt 8 10 99 \ 28.10.99.

- (3) The terms of reference of the Regulating Authority shall be as follows :-
- (i) Jurisdiction ;
The authority shall have jurisdiction overall the instances pertaining to violation of the rules by the Educational Institutions Consisting of Pre-Primary and Secondary Institutions in a District.
 - (ii) Term of reference ;
 1. The authority shall have power to investigate into all the instances as contemplated in rule 15.
 2. The authority shall act in accordance with the provisions of sub-rules (4) to (9) of this rule,
 - (iii) conduct of meetings:-
 1. The Chairman shall preside over all the meetings of the authority.
 2. The quorum of meeting shall be three.
 3. Notice for the meeting shall be issued by the Chairman, seven days in advance.]³
- (4) Every petition shall disclose details of violation and shall also cite evidence of such violation. Petitions without concrete evidence may be rejected by the Regulating Authority and endorsement may be given in this regard to the parent. The Petition shall be affixed Court Fee Stamp of value Rupees ten . and shall be delivered in person to the Regulating Authority or sent by Registered Post and Proper acknowledgement obtained.
- (5) The Regulating Authority shall devise its own procedure in conducting the enquiry. If found necessary the members of the Regulating Authority may visit the institution concerned, make local enquiry and ascertain the factual position regarding the petition filed by the parent upon examining the evidence stated in the petition and other records with a view to verifying the truth of the petition. Sufficient opportunity shall be given to the management of the educational institution and the parent to substantiate their plea.
- (6) Every decision of the Regulating Authority shall be taken by an ordinary majority of the members present and voting.
- (7) In case of equality of votes the Chairman shall have the right to exercise a second or casting vote.
- (8) The quorum for the meeting shall be three of whom atleast one shall be a parent member.
- (9) The decision of the Regulating Authority shall be communicated to the institution in writing by the Chairman and he shall pass an order to this effect which shall be binding.

17. Provision for appeal.-Any educational institution or parent aggrieved by the decision of the Regulating Authority may file an appeal before the Commissioner for Public Instruction who shall act as the Appellate Authority in this regard. The decision of the Appellate Authority shall be final and binding.

18. Working days and working hours of educational institutions.-

- (1) Except to the extent provided by these rules, the working days and working hours of educational institution shall be as may be specified by the Competent Authority.

- (2) All educational institutions from pre-primary to secondary education shall work for 5½ hours a day excluding the duration of interval and 5½ days in a week from Monday to Saturday, Saturdays being half-days having morning classes.
- (3) The timing of working hours in any educational institution shall be determined by the concerned school authority taking into consideration the convenience the students and prevailing local conditions. The Department shall be informed accordingly.

19. Curricula.-

- (1) The Competent Authority shall specify curricula for each course or class, subject to the provisions of these rules.
- (2) The Curricula specified by the Competent Authority shall not be a burden to the students particularly at the primary level. It shall be in accordance with the objectives both short term and long term specified by the Government or the Competent Authority from time to time.
- (3) Educational institutions following state syllabus any other pattern shall strictly adhere to the Curricula and text books prescribed by the concerned Competent Authority. The institution shall not specify any additional curricula or text books of whatever nature.
- (4) The specified curricula shall, as far as practicable, make efforts towards group exercises and group achievements and inculcation of moral values

20. Limits relating to home work.-The home work given to students shall be the barest minimum particularly at the primary level. As far as practicable the home work should be of such type that it brings out the creative talent of the student, without having to repeat from the text books or the class notes.

21. Relaxation of rules.-The State Government or any other authority specified by the State Government in this behalf, may relax the provisions of these rules or exempt from the application of the provisions of these rules, in respect of any person or educational institution or class of persons or class of educational institutions, if the State Government or such authority is satisfied that the operation of any such rule or rules causes an undue and avoidable hardship to such persons or educational institutions.

By Order and in the Name of the Governor of Karnataka,

H.A. PRAMILA

Under Secretary to Government
Education Department (General).

**Karnataka Educational Institutions (Classification,
Regulation and Prescription of Curricula, etc.,)
(Amendment) Rules, 1999.**

No: ED71 VIVIDHA 98, Bangalore, Dated: 8-10-1999.

Whereas the Draft of the Karnataka Educational institutions (Classification. Regulation and Prescription of Curricula etc.) (Amendment) Rules, 1999, 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 71 Vivdha 97 dated 31.7.1999 in Part-IV Section 2C(i) of the Karnataka Gazette Extraordinary dated 31 st July 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 31 st July 1999:

And whereas the no objections and suggestions have been received in this regard by the State Government;

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

1. Short title and Commencement.-

- (1) These rules may be called Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula, etc.,) (Amendment) Rules, 1999.
- (2) They shall come into force from the date of its Publication in the Official Gazette.

2. Amendment of rule 15.-

- (1) Rule 15 of the Karnataka Educational Institutions (Classification, Regulation and prescription of curricula, etc.,) Rules, 1995 (hereinafter called the said rules).

- (i) Shall be renumbered as sub-rule (i) thereof, and in sub-rule (i) as so renumber for the word and figure "rule 17" the word and figure "rule 16" shall be substituted.

- (2)after sub-rule (1) as so renumbered the following shall be inserted namely:-

2. "The District Regulating Authority may also suo-moto or on complaint made by any person interested orally or otherwise make an enquiry to satisfy themselves as to the correctness of the complaint and may pass as if may consider fit, after giving an opportunity to the party adversely affected by it an opportunity of making representation".

3. Amendment of rule 16.- For sub-rules (1), (2) and (3) the following shall be substituted, namely:-

- (1) There shall be a District Level Education Regulating Authority (hereinafter called the Regulating Authority, for every district consisting of the following members, namely:-

- | | |
|---|------------------|
| (a) Deputy Commissioner Chairman of the District | Chairman |
| (b) Chief Executive Officer Member Zilla Panchayat | Member |
| (c) Executive Engineer, Member Zilla Panchayat | Member |
| (d) Deputy Director Member Pre-University Education,
Department of the Concerned District. | Member |
| (e) Deputy Director of Public Instruction of the
Concerned District. | Member Secretary |

- (2) The State Government may by notification, constitute an Additional Authority in a District having Provisions of rules 3 to 8 shall apply mutatis-mutandis to additional Regulating Authority.
- (3) The terms of reference of the Regulating Authority shall be as follows :-
- (i) Jurisdiction ;
- The authority shall have jurisdiction over all the instances pertaining to violation of the rules by the Educational Institutions Consisting of Pre-Primary and Secondary Institutions in a District.
- (ii) Term of reference ;
1. The authority shall have power to investigate into all the instances as contemplated in rule 15.
2. The authority shall act in accordance with the provisions of sub-rules (4) to (9) of this rule,
- (iii) conduct of meetings:-
1. The Chairman shall preside over all the meetings of the authority.
2. The quorum of meeting shall be three.
3. Notice for the meeting shall be issued by the Chairman, seven days in advance.

By order and in the name of the
Government of Karnataka,
H.S. Venkateshaiah
Under Secretary to Government,
Education Department (General)

NOTIFICATION
Karnataka Educational Institutions Classification,
Regulation and Prescription of Curricula etc.,)
(Amendment) Rules, 2001
Contents

Rules

1. Title and Commencement
2. Amendment of rule 10

NOTIFICATION
Karnataka Educational Institutions (Classification,
Regulation and Prescription of Curricula etc.,)
(Amendment) Rules, 2001

Notification No. ED 16 ViVida 2001, Bangalore Dated: 5-7-2001

Whereas the draft of the rules to amend the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula etc.,) Rules, 1995 was published as required by which the Government of Karnataka proposes to make in exercise of the powers conferred by sub-section (1) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), in Notification No. ED 95 ViVida 2000 dated 28.3.2001 in part-IVA of the Karnataka Gazette Extraordinary dated 29.3.2001 inviting objections and suggestions from the persons likely to be effected there by:

And whereas the said Gazette was made available to public on 29.3.2001.

And whereas no objection and suggestions have been received in this regard by the State 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 makes the following rules namely:-

1. Title and commencement.-

- (1) These rules may be called the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula etc.,) (Amendment) Rules, 2001.
- (2) They shall come into force from the date of their publication in the official Gazette.

- 2. Amendment of rule 10.-** In rule 10 of the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula etc.,) Rules, 1995, in sub clause (i) of clause (c) of sub-rule (3), for the words and figures “Rs. 300/-per year”, the words “rupees five hundred per year” shall be substituted.

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

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

KARNATAKA ACT NO. 37 OF 1984
(First published in the **Karnataka Gazette** Extraordinary
on the Ninth day of August, 1984)

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(PROHIBITION OF CAPITATION FEE) ACT, 1984**

(Received the assent of the President on the Twentieth day of July, 1984).

An Act to prohibit the collection of capitation fee for admission to educational institutions in the State of Karnataka and matters relating thereto.

Whereas the practice of collecting capitation fee for admitting students into educational institutions is widespread in the State;

And Whereas this undesirable practice beside contributing to large scale commercialisation of education has not been conducive to the maintenance of educational standards;

And Whereas it is considered necessary to effectively curb this evil practice in public interest by providing for prohibition of collection of capitation fee and matters relating thereto;

Be it enacted by the Karnataka State Legislature in the Thirty-fourth Year of the Republic of India as follows :-

1. Short title and commencement – (1) This Act may be called the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984.

(2) It shall be deemed to have come into force on the 11th day of July, 1983

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

(a) “backward classes” means any socially and educationally backward classes of citizens recognised by the Government for purpose clause (4) of Article 15 of the Constitution of India;

(b) “Capitation fee” means any amount, by whatever name called, paid or collected directly or indirectly in excess of the fee prescribed under section 5, but does not include the deposit specified under the proviso to section 3;

(c) “educational institution” means any institution by whatever name called, whether managed by Government, private body, local authority, trust, University or any other person carrying on the activity of imparting education in medicine or engineering leading to a degree conferred by a University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) and any other educational institution, or class or classes of such institution, as the Government may, by notification, specify;

(d) “Government” means the Government of Karnataka;

(e) “Government seats” means such number of seats in such educational institution or class or classes of such institutions in the State as the Government may, from time to time, specify for being filled up by it in such manner as may be specified by it by general or special order on the basis of merit and reservation for Scheduled Castes, Scheduled Tribes, Backward Classes and such other categories, as may be specified, by the Government from time, without the requirement of payment of capitation fee or cash deposit;

(f) “management” means the managing committee or the governing body, by whatever name called, of an educational institution to which the affairs of the said institution are entrusted and where such affairs are entrusted to any person, whether called by the name of Secretary, correspondent or by any other name includes such person;

(g) “minority educational institutions” means educational institutions established and administered by minorities as provided under article 30 of the Constitution of India; and

(h) “Scheduled Castes” and “Scheduled Tribes” shall have the meaning respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India.

3. Collection of capitation fee prohibited – Not with standing anything contained in any law for the time being in force, no capitation fee shall be collected by or on behalf of any educational institution or by any person who is incharge of or is responsible for the management of such institution:

Provided that subject to such rules as may be prescribed or such conditions as may be specified by general or special order, from time to time, the Government may, notwithstanding anything contained in this Act permit any educational institution established before the date of commencement of this Act and maintained or developed solely or substantially out of amounts collected as capitation fee or any class or classes of such institutions, to continue to receive such capitation fee or cash deposits in such manner, to such extent and for such period as the Government may, by order, specify, so however that such period shall not in any case extend beyond five years from such date:

4. Regulation of admission of educational institution etc.- Subject to such rules, or general or special orders, as may be made by the Government in this behalf and any other law for the time being in force,-

(1) (a) the minimum qualification for admission to any course of study in an educational institution shall be such as may be specified by-

(i) The University, in the case of any course of study in an educational institution maintained by or affiliated to such University:

Provided that the Government may, in the interest of excellence of education, fix any higher minimum qualification for any course of study;

(ii) the Government, in the case of other courses of study in any other educational institution;

(b) the maximum number of students that could be admitted to a course of study in an educational institution shall be such as may be fixed by the Government from time to time;

(2) in order to regulate the capitation fee charged or collected during the period specified under the proviso to section 3, the Government may, from time to time, by general or special order, specify in respect of each private educational institution or class or classes of such institutions-

(a) the number of seats set apart as Government seats;

(b) the number of seats that may be filled up by the management of such institution-

(i) from among Karnataka students on the basis of merit, on payment of such cash deposits refundable after such number of years, with or without interest as may be specified therein, but without the payment of capitation fee; or

(ii) at its discretion:

Provided that such number of seats as may be specified by the Government but not less than fifty per cent of the total number of seats referred to in clauses (a) and (b) shall be filled from among Karnataka students.

Explanation – For the purpose of this section, Karnataka students means persons who have studied in such educational institutions in the State of Karnataka run or recognised by the Government and for such number of years as the Government may specify.

(2) an educational institution required to fill seats in accordance with item (i) of sub-clause (b) of clause (2), shall from a committee to select candidates for such seats. A nominee each of the Government and the University to which such educational institution is affiliated shall be included as members in such committee.

5. Regulation of fees, etc.- (1) It shall be competent for the Government, by notification to regulate the tuition fee or any other fee or deposit or other amount that may be received or collected by any educational institution or class of such institutions in respect of any or all class or classes of students.

(2) No educational institution shall collect any fees or amount or accept deposits in excess of the amounts notified under sub-section (1) or permitted under the proviso to section 3.

(3) Every educational institution shall issue an official receipt for the fee or capitation fee or deposits or other amount collected by it.

(4) All monies received by any educational institution by way of fee or capitation fee or deposits or other amount shall be deposited in the account of the institution, in any Scheduled Bank and shall be applied and expended for the improvement of the institution and the development of the educational facilities and for such other related purpose and to such extent and in such manner as may be specified by order by the Government.

(5) In order to carry out the purposes of sub-section (4), the Government may require any educational institution to submit their programmes or plans of improvement and development of the institution for the approval of the Government.

6. Regulation of expenditure and maintenance of accounts etc.- (1) The Government may regulate the expenditure of educational institutions and the maintenance of accounts by them in such manner as may be prescribed.

(2) The Government may require such educational institution to submit such returns or statements as it may deem necessary for carrying out the purposes of this Act.

7. Penalties – Whoever contravenes the provisions of this Act or the rules or orders made there under, shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which shall not exceed seven years and with fine which may extend to five thousand rupees. Where the conviction is for an offence under section 3 or section 5, the institution or the person convicted there under shall refund the money so collected in excess to the party from whom it was collected.

8. Offence by companies – (1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person who at the time the offence was committed, was incharge of and was responsible to the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(1) Notwithstanding anything in sub-section (1) where any such offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation – For the purpose of this section,-

- (a) 'company' means any body corporate and includes a trust, a firm, a society or other association of individuals, and
- (b) 'director' in relation to –

- (i) a firm, means a partner in the firm;
- (ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association with management of the affairs of the society, trust or other association, as the case may be.

9. Power to enter and inspect – (1) Any officer not below the rank of a Gazetted Officer authorized by the State Government in this behalf, may at any time during the normal working hours of any educational institution enter such institution or any premises thereof or any premises belonging to the management of such institution if he has reason to believe that there is or has been any contravention of the provisions of this Act and search and inspect any record, accounts, register or other document belonging to such institution or of the management, in so far as any such record, accounts, register or other document relates to such institution and seize any such record, accounts, register or other documents for the purpose of ascertaining whether there is or has been any such contravention.

(2) In order to secure proper and effective utilization of the finances or resources or other assets of any educational institution in existence at the commencement of this Act it shall be competent for the Government to invoke the provisions of sub-section (1) and ascertain such finances, resources and assets of an institution and after such ascertainment to give such directions to the managements as they deem fit.

(3) The provisions of the Code of Criminal Procedure 1973 (Central Act 2 of 1974) relating to searches and seizure shall apply, so far as may be, to searches and seizures under Sub-section (1).

10. Application of the Act to minority institutions – Nothing in this Act or the rules or orders made thereunder shall apply to any minority educational institution to the extent to which they are inconsistent with the rights guaranteed under article 30 of the Constitution of India.

11. Cognisance of offences – No court shall take cognizance of any offence under this Act except with the sanction of the Government or such officer as it may authorise in this behalf.

12. Act to override other laws – The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

13. Protection of act done in good faith – No suit, prosecution or other legal proceedings shall be instituted against the Government or any officer, authority or person empowered to exercise the powers or perform the functions by or under this Act for anything which is in good faith done or intended to be done under the rules or order made thereunder.

14. Power to make rules- (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this section shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following 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 expiration of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15. Validation – Notwithstanding anything contained in this Act, any rule or order or notification made or issued,-

(a) Under the Karnataka Educational Institutions (Prohibition of Capitation Fee) Ordinance, 1983 (Karnataka Ordinance No. 10 of 1983) or before the date of its commencement; and

(b) Under the Karnataka Educational Institutions (Prohibition of Capitation Fee) (No.2) Ordinance, 1983 (Karnataka Ordinance No. 14 of 1983) or before the date of promulgation of the said Ordinance but after the lapse of Karnataka Ordinance No. 10 of 1983 in relation to any of the matters for the furtherance of which this Act if enacted (including the Government Order No. HFW 44 MSF 83 dated 20th June, 1983, Government Order No. ED 37 TEC 83 dated 7th July, 1983 and Government Order No. ED 37 TEC 83 dated 1st October, 1983), and anything done or any action taken under such rule or order or notification shall be deemed to be as valid and effective as if they were made, issued or done, as the case may be, under this Act or under any such rule or order or notification.

16. Repeal and Savings- (1) The Karnataka Educational Institutions (Prohibition of Capitation Fee) (No.2) Ordinance, 1983 (Karnataka Ordinance No. 14 of 1983) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

By Order and in the name of the Governor of Karnataka

K.R.CHAMAYYA,

Secretary to Government,

Department of Law and Parliamentary Affairs.

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(PROHIBITION OF CAPITATION FEE) (AMENDMENT) ACT, 1985
KARNATAKA ACT NO. 17 OF 1985**

(First published in the Karnataka Gazette, Extraordinary, on the Seventeenth day of May, 1985)

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(PROHIBITION OF CAPITATION FEE) (AMENDMENT) ACT, 1985**

(Received the assent of the Governor on the Fourteenth day of May, 1985).

An Act to amend the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984

Whereas, it is expedient further to amend the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) for the purposes hereinafter appearing;

Be, it enacted by the Karnataka State Legislature in the Thirty-sixth Year of the Republic of India as follows :-

1. Short title and commencement – (1) This Act may be called the Karnataka Educational Institutions (Prohibition of Capitation Fee) (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on the Ninth day of August, 1985.

2. Amendment of Section 1.- In section 1 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) This section, clause (c) of Section 15 and sub-sections (2) and (4) of Section 16 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the Eleventh day of July, 1983”

3. Amendment of Section 15.- In section 15 of the principal Act, for clause (b), the

following clauses shall be substituted, namely:-

“(b) under the Karnataka Educational Institutions (Prohibition of Capitation Fee) (No.2) Ordinance, 1983 (Karnataka Ordinance 14 of 1983) or before the date of promulgation of the said Ordinance but after the lapse of Karnataka Ordinance 10 of 1983; and

(c) under the Karnataka Educational Institutions (Prohibition of Capitation Fee) Ordinance, 1984 (Karnataka Ordinance 8 of 1984), or before the date of promulgation of the said Ordinance but after the lapse of Karnataka Ordinance 14 of 1983 in relation to any of the matters for furtherance of which this Act is enacted (including the Government Order No. HFW 44 MSF 83, dated 20th June, 1983, Government Order No. ED 37 TEC 83, dated 7th July, 1983, Government Order No. FD 37 TEC 83, dated 7th July, 1983, Government Order No. ED 37 TEC 83, dated 1st October, 1983, Government Order No. ED 23 TEC 84, dated 21st June, 1984, Government Order No. HFW 137 PTD 84, dated 25th July, 1984, Government Order No. ED 157 TPE 84, dated 31st July, 1984 and Government Order No. HFW 136 MSF 84, dated 1st August, 1983) and anything done or any action taken under such rule or order or notification shall be deemed to be as valid and effective as if they were made, or issued under this Act or as the case may be done or taken under any such rule or order or notification made or issued thereunder.”

4. Amendment of Section 16.- In Section 16 of the principal Act,-

(a) for the heading “Repeal and Savings” the heading “Repeal and Savings, etc.,” shall be substituted;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:-

“(2) The Karnataka Educational Institutions (Prohibition of Capitation Fee) Ordinance, 1984 (Karnataka Ordinance 8 of 1984) is hereby repealed.

(3) Notwithstanding the repeal of Karnataka Ordinance 14 of 1983 and Karnataka Ordinances shall be deemed to have been done or taken under this Act.

(3) Notwithstanding anything contained in Sections 7 and 8 but subject to sub-section (3) no person or a company shall be convicted for anything done in contravention of the provisions of this Act after the lapse of Karnataka Ordinance 14 of 1983, but before the date of the publication of this Act in the Official Gazette.”

5. Repeal and Savings.-(1) The Karnataka Educational Institutions (Prohibition of Capitation Fee) (Amendment) Ordinance, 1985 (Karnataka Ordinance 2 of 1985) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or any rule or order or notification made or issued under the principal Act as amended by the said Ordinance or by the Karnataka Educational Institutions (Prohibition of Capitation Fee) (Amendment) Ordinance, 1984 (Karnataka Ordinance 10 of 1984) repealed by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

By Order and in the name of the Governor of Karnataka
K.R.CHAMAYYA,
Secretary to Government,
Department of Law and Parliamentary Affairs.

THE

**KARNATAKA EDUCATIONAL INSTITUTIONS
(PROHIBITION OF CAPITATION FEE) (AMENDMENT) ACT, 2002**

KARNATAKA ACT NO. 15 OF 2003

(First published in the Karnataka Gazette, Extraordinary,
on the Fifth day of April, 2003)

(Received the assent of the Governor on the Fourth day of April, 2003).

An Act further to amend the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984

Whereas, it is expedient further to amend the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) for the purposes hereinafter appearing;

Be, it enacted by the Karnataka State Legislature in the fifty-second Year of the Republic of India as follows :-

1. Short title and commencement – (1) This Act may be called the **Karnataka Educational Institutions (Prohibition of Capitation Fee) (Amendment) Act, 2002.**

(2) It shall come into force once.

Amendment of Section 2.- In section 2 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), in clause (c) for the words, figures and brackets “by a Universities Act, 1976 (Karnataka Act 28 of 1976)”, the words “by a University established under any law for the time being in force” shall be and shall be deemed always to have been substituted.

NOTIFICATIONS

Notification

Notification No. ED 27 TEC 85, dated 15-5-1985
Karnataka Gazette, Extraordinary, dated 23-5-1985

In exercise of the powers conferred by clause (c) of Section 2 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby specifies the following educational institutions as Educational Institutions for the purpose of the said section.-

- (i) Pre-Primary Schools
- (ii) Primary Schools
- (iii) High Schools
- (iv) Teacher Training Institutes (T.T.I)
- (v) Certificate of Physical Education (C.P.Ed.,)
- (vi) Nursery Teacher's Training Institutes
- (vii) Junior Colleges Teaching Pre-University Education
- (viii) Degree Colleges
- (ix) Bachelor of Education College (B.Ed.)
- (x) Bachelor of Physical Education Colleges (B.P.Ed.)

NOTIFICATION

Notification No. ED 27 TEC 85(I), dated 15-5-1985

Karnataka Gazette, Extraordinary, dated 23-5-1985

In exercise of the powers conferred by Section 5 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby notifies that no educational institution belonging to the classes specified below shall collect or receive any tuition fee or any other fee or deposit or other amount, except.-

- (a) as are permissible under and in accordance with the scale prescribed by Grant-in-Aid Code where such institutions are receiving Grant-in-Aid;
- (b) as per specified below or in excess of the amount indicated therein where such institutions are not receiving such Grant-in-Aid.

NOTIFICATIONS

(I) Tuition Fee	
(a) Pre-Primary Schools	Rs. 10 p.m. per student for 10 months
(b) Primary Schools	Rs. 30 p.m. per student for 10 months
(c) High Schools	Rs. 40 p.m. per student for 10 months
(d) Teacher's Training Institutes, Certificate of Physical Edn. Colleges, and Nursery Teacher's Training Institutes	Rs. 40p.m. per student for 10 months

(II) Terminal Fee and Other Fees To be collected per year per student

	SP/RR	Lab	Med	AVE	SWF	TWF	Drg. and Pntg	Eligibility fee	Total
	1	2	3 4	5	6	7	8	9	10
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
(a) Pre-Primary and Primary I to IV std	-	-	1	-	-	-	-	-	1
(b) V to VII std.	4	2	0.75	1	1	-	-	-	8.75
(c) VIII, IX, Xth stds. (High School)	6	4	5	1	3	1	1	3	24.00
(d) TTIs/CPEd Colleges and NTTIs.	6	4	4	1	1	1	1	3	21.00

NOTIFICATION

**Notification No. ED 27 TEC 85(II), dated 15-5-1985
Karnataka Gazette, Extraordinary, dated 23-5-1985**

S.O. 394.- In exercise of the powers conferred by Section 5 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby notifies that no educational institution belonging to the classes specified below shall collect or receive any other fee or deposit or other amount, except.-

(a) as are permissible under and in accordance with the scale prescribed by Grant-in-Aid Code where such institutions are receiving Grant-in-Aid;

(b) as per specified below or in excess of the amount indicated therein, where such institutions are not receiving such Grant-in-Aid.

I. Tuition Fee:

Bachelor of Education and
Bachelor of Physical Education
Colleges

Rs. 50 per month per
student for 10 months

II Terminal Fee and other fees : To be collected per year per student

	SP	RR	Lab	Med	AVE	SWF	TWF	Eligibility fee	Total
1	2	3	4	5	6	7	8	9	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Bachelor of Education and Bachelor of Physical Education Colleges	8	10	2	4	1	1	-	26	

NOTIFICATION

Notification No. ED 27 TEC 85(III), dated 15-5-1985

Karnataka Gazette, Extraordinary, dated 23-5-1985

In exercise of the powers conferred by Section 5 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby notifies that no educational institution belonging to the classes specified below shall collect or receive any tuition fee or any other fee or deposit or other amount, except.-

- (a) as are permissible under and in accordance with the scale prescribed by Grant-in-Aid Code where such institutions are receiving Grant-in-Aid;
- (b) as per specified below or in excess of the amount indicated therein, where such institutions are not receiving such Grant-in-Aid.

I Tuition Fee:

- (a) Junior Colleges
(Teaching Pre-University Education) Rs. 180 per year per student
- (b) Degree Colleges Rs. 252 per year per student

II Terminal Fee and other fees :

In respect of Junior Colleges (Teaching Pre-University Education) and Degree Colleges, the Laboratory fees, Library, Admission, Registration, Examination, Sports, Medical Examination, Student Welfare Fund, Teachers Welfare Fund, Marks Card, Mid-term Examination, Reading Room, Association, Magazines and Student Aid Fund fees shall be as fixed by the concerned Universities.

Government Order No. ED 157 TPE 84, dated 31st July, 1984 and Government Order No. HFW 136 MSF 84, dated 1st August, 1983) and anything done or any action taken under such rule or order or notification shall be deemed to be as valid and effective as if they were made, or issued under this Act or as the case may be done or taken under any such rule or order or notification made or issued thereunder.”

4. Amendment of Section 16.- In Section 16 of the principal Act,-

(a) for the heading “Repeal and Savings” the heading “Repeal and Savings, etc., “shall be substituted;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:-

“(2) The Karnataka Educational Institutions (Prohibition of Capitation Fee) Ordinance, 1984 (Karnataka Ordinance 8 of 1984) is hereby repealed.

(3) Notwithstanding the repeal of Karnataka Ordinance 14 of 1983 and Karnataka Ordinances shall be deemed to have been done or taken under this Act.

(4) Notwithstanding anything contained in Sections 7 and 8 but subject to sub-section (3) no person or a company shall be convicted for anything done in contravention of the provisions of this Act after the lapse of Karnataka Ordinance 14 of 1983, but before the date of the publication of this Act in the Official Gazette.”

5. Repeal and Savings.-(1) The Karnataka Educational Institutions (Prohibition of Capitation Fee) (Amendment) Ordinance, 1985 (Karnataka Ordinance 2 of 1985) is hereby repealed.

(3) Notwithstanding such repeal anything done or any action taken or any rule or order or notification made or issued under the principal Act as amended by the said Ordinance or by the Karnataka Educational Institutions (Prohibition of Capitation Fee) (Amendment) Ordinance, 1984 (Karnataka Ordinance 10 of 1984) repealed by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

NOTIFICATION
No. ED 182 PTI 95, dated 3rd July, 1995
Karnataka Gazette, Extraordinary No. 916, dated 3-7-1995

In exercise of the powers conferred by clause (c), Section 2 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby specify the Educational Institution imparting Teachers' Certificate Higher Course to be the Educational Institution for the purpose of the said Act.

NOTIFICATION
No. ED 81 Vivida 99(I), dated 9-8-1999
Karnataka Gazette, Extraordinary, dated 9-8-1999

In exercise of the powers conferred by clause (c), Section 2 of the Karnataka Educational Institutions (Prohibition of Capitation Fees) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby specify the Educational Institutions affiliated to or recognised by the Council of Indian Schools Certificate Examination or Central Board of Secondary Education as Educational Institutions for the purpose of the said Act.

NOTIFICATION
No. ED 81 Vivida 99(II), dated 9-8-1999
Karnataka Gazette, Extraordinary, dated 9-8-1999

In exercise of the powers conferred by Section 5 of the Karnataka Educational Institutions (Prohibition of Capitation Fees) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby specifies that in respect of the Educational Institutions affiliated to or recognised by the Council of Indian Schools Certificate Examination or Central Board of Secondary Education tuition fee per pupil shall be the amount fixed after taking into consideration the expenditure on salary and thirty per cent of the salary expenditure towards contingency and maintenance equipment divided by total number of students. The salary expenditure shall be as per the audited account of the management cross verified with reference to the acquittance roll and attendance register and no donations shall be collected by such Institutions before, during or after the admission of the students from the parents or from any other person body in connection with admission of any student.

EDUCATIONSECRETARIAT
NOTIFICATION
No. ED 39 ViViDa 99, Bangalore, dated 14-03-2000

Whereas the draft of the Karnataka Educational Institutions (Regulation of certain fees and Donations) Rules 1999 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 39 ViViDa 1999 dated 9th August 1999 in part 4 Section 2-C(I) of Karnataka Gazette extraordinary dated 9th August 1999, inviting objections and suggestions from the persons likely to be affected thereby.

Whereas the said Gazette was made available to the public on 9th August 1999.

And whereas the objective of the said rules is to introduce a system of transparency, openness and accountability in the matter of collection of notified fees for admission of students to unaided institutions and to prevent diversion of funds collected for purposes other than school development.

And whereas objections and suggestions received in this regard have been considered by the Government. Now therefore in exercise of the powers conferred by Section 48, 51 read with Section 145 of the Karnataka Education Act 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby makes the following rules namely:-

1. Title and Commencement :- (1) These rules may be called the Karnataka Educational Institutions (Regulation of Certain fees and Donations) Rules, 1999.

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

(3) They shall be applicable to all private unaided primary, secondary and pre-university institutions in the state of Karnataka.

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

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

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

3. Regulations of Donations etc. :- No donation or voluntary donation or any money by whatever name called shall be received by the Educational Institution, other than prescribed fee as notified by the management, before, during or after admission and during entire stay of the student in the concerned educational institution from parents, or any person in connection with such admission. No donation made in connection with any admission shall be construed as voluntary donation for the purpose of Section 48 and 51 of the Act.

Explanation : For the purpose of this rule, parents or persons, include (1) brother, sister, guardians, or any relative of student / student's parents) a Company or Association or trust or a firm or society or any other institution by whatever name called in which the person or the parents have any proprietary rights or a Manager or director of such institution.

4. Fees in unaided Private Education Institutions:- (1) Notwithstanding anything contained in any rules made in this behalf, and the lieu of tuition fee charged under Rule 10(2)(b) (ii) of the Karnataka Education Institutions (Classification, Regulation, Prescription of curricula etc.,) Rules 1995, the maximum tuition fee in respect of Private Unaided Educational Institutions shall be fixed taking into consideration the Salary Expenditure on teaching and non-teaching staff plus 30% of the salary expenditure towards contingency and maintenance costs divided by total number of students.

Provided that the salary expenditure includes contribution towards Provident Fund by the management, encashment benefit. LTC/HTC benefits, medical allowance, conveyance

allowance, if any, given to the staff of the institution.

Provided further that the total number of students for calculation of the quantum of fees shall be the actual number of students on roll at the end of the previous academic year and the sanctioned intake in respect of approved additional sections, if any, for the ensuing year, namely the year for which the fees is being notified.

And provided further that the above fees shall be collected by the management in addition to the Special Development Fees and Term Fees stipulated in the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula) Rules 1995.

(2) The salary expenditure shall be as per the audited account of the management subject to the limitation of pay scales prescribed by Government as well as the prescribed staffing pattern and it has to be cross verified with reference to Acquittance Roll, Bank Account of the employee and Attendance Register.

5. Provision for meeting capital expenditure incurred by the Education Institutions :-

The management may also collect amounts towards construction and expansion of the building for the school in which the student is studying and for purchase of equipment for establishment of a computer centre / laboratory.

Provided that such amount duly notified shall be collected only once at the time of the initial admission of the child to the institutions, irrespective of the standard to which the child is admitted and irrespective of the number of years spent in the school.

Provided that collection of amount for construction and expansion of building and for establishment of computer centre shall under no circumstances exceed the total annual tuition fee notified and collected under Rule 4.

6. Fees for Certificates : (1) The following rates of fee are hereby fixed for the categories of certificates in respect of Primary, Secondary Schools and Pre-university Colleges.

Sl. No.	Type of the Certificate	Issue	Duplicate	Search fee for 3 years
1.	Transfer Certificate	25-00	25-00	25-00
2.	Marks Card	25-00	25-00	25-00
3.	Study Certificate	25-00	25-00	25-00
4.	Character Certificate	25-00	25-00	25-00
5.	Admission Register – extract	25-00	25-00	25-00
6.	Any other Certificates not mentioned above	25-00	25-00	25-00

(4) The Educational Institutions shall collect the fees as above duly notified by the institution and issue printed receipt to the students or the parents for all the fees or any money by whatever name called, so collected and preserve the duplicate copy for reference and for verification by the Department.

(5) Any money received apart from the fees as prescribed under these rules and special development fees under Karnataka Education Institution (Classification, Regulation, prescription of curricula etc.,) Rules 1995 and subject to provisions in rule-3 shall be deposited in a Scheduled Bank and the fact in each case with details of amount received and details of person (s) from whom it has been received shall be intimated to the Competent Authority as prescribed in Notification No. ED 83 ViViDa 98 dated 27-8-1998 within ninety days from the date of such acceptance.

By order and in the
Name of the Governor of Karnataka
(H. Hanumanthaiah)
Under Secretary to Government

Education Department (General)

KARNATAKA ACT NO. 10, 1975

**(First published in the Karnataka Gazette Extraordinary
on the Twenty-fourth day of March 1975).**

**THE KARNATAKA PRIVATE EDUCATIONAL INSTITUTIONS
(Discipline and Control) Act, 1975.**

(Received the assent of the Governor on the Twenty-fourth day of March, 1975)

-:-

An Act to provide for better discipline in and control over the Private Educational Institutions in the State which are recognised by the State Government.

Whereas in order to maintain the standards of education it is expedient to provide for better discipline in and control over the Private Educational Institutions in the State which are recognised by the State Government.

And whereas the Karnataka Private Educational Institutions (Discipline and Control) ordinance, 1973 was promulgated and later replaced by the Mysore Private Educational Institutions (Discipline and Control) Act 1973 for the purpose;

And whereas it is expedient further to provide for certain other matters also to ensure better discipline and control in order that standards of education are maintained;

Be it enacted by the Karnataka State Legislature in the Twenty-sixth year of the Republic of India as follows :-

1. Short title, extent and commencement :- (1) This Act may be called the Karnataka Private Educational Institutions Discipline and control) Act, 1975.
 2. It extends to the whole of the State of Karnataka.
 3. It shall be deemed to have come into force on the Twenty-fourth day of December 1974.
2. Definitions :- In this Act unless the context otherwise requires :-
 - a) 'Board of Management' means the individual or the body of individual entrusted with the management and administration of a private educational institution.
 - b) 'employees' means a person employed by a private educational institution either as a teacher or in any other capacity.
 - c) 'Manager' in relation to a private educational institution means the person, by whatever name called, who under the rules or regulations of the private educational institution is the chief executive officer of the institution entrusted with the management of the affairs of the institution;
 - d) 'Private educational institution' means an educational institution which is not owned by the State Government or the Central Government, a local authority or, any other authority designated or sponsored by the State Government or the Central Government or a local authority but which is recognised by the State Government and includes a college affiliated to the Karnataka University or the Mysore University and a constituent college of the Bangalore University not similarly owned but does not include a University College.
3. Power of State Government to make model rules and adoption of such rules by a private educational Institution :- (1) Subject to the other provisions of this Act, the State Government shall, after previous publication of the draft for not less than one month, make, by notification model rules in respect of matters relating to the code of conduct and the conditions of service of employees.
 - (2) Every private educational institution shall :-
 - a) If it has not before the date of commencement of this Act made rules on the

subject, adopt the model rules; and

b) If it has made such rules, modify the rules to bring them in conformity with the model rules.

(3) Within three months from the date the model rules are notified by the State Government every private educational institution shall send intimation of having adopted the model rules or modified its rules to :-

i) The Director of Technical Education, Bangalore, if the private educational institution is an engineering or other technical institution;

ii) The Director of Pre-University Education, Bangalore, if such institution is an independent junior college;

iii) The Director of Collegiate Education, Bangalore, if such institution is a college other than a institution or college referred to in clauses (i) and (ii);

iv) The Director of Public Instruction, Bangalore or to an officer not below the rank of a District Deputy Director of Public Instruction as may be specified by the State Government, if such institution is a pre-primary or secondary school or high school upgraded as a junior college or an institution for teacher's training at all levels including collegiate education; and

v) The authority specified in this behalf by the State Government, if such institution is an institution or college, other than those referred to in clause (i) to (iv).

(4) If a private Educational Institution fails to take action as required by sub-section (2) the model rules shall be deemed to have been adapted by such institution and they shall be the governing its employees.

Schedule of appointments to be maintained :- (1) Every private educational institution shall maintain a schedule of appointments indicating therein number of persons in its employment, the qualifications of each employee, the grades of pay and such other particulars as may be prescribed.

(2) Within three months from the date of commencement of this Act and within a like period after any alteration in the schedule is made, a private educational Institution shall submit a copy of the schedule of appointments or alterations made therein, as the case may be to the appropriate authority referred to in sub-section (3) of section 3.

5. Rules and Schedules to be opened for inspection :- A copy of the rules and the Schedule of appointments for the time being in force shall be kept at the office of the private educational institution and shall, during office hours, be open, free of charge, to inspection by any employees of that private educational Institution.

6. Termination of service and procedure for imposing penalties :- (1) No employee shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges and where it is proposed after such inquiry to impose on him such penalty, until on the penalty proposed, but only on the basis of the evidence adduced during such inquiry;

Provided that the provisions of this sub-section shall not apply where an employees dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge.

2) No order imposing any penalty other than those referred to in sub-section (1) shall be imposed on an employee except after, -

a) the employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation which he may wish to make and;

b) Such representation if any, is taken into consideration.

7. Communication of orders :- Every order of the Board of Management terminating the services of an employees or imposing a penalty or otherwise affecting his conditions of service to his prejudice shall be communicated in writing to the employee.

8. Appeals :- (1) Any employee aggrieved by an order of the Board of Management may within three months from the date of communication of the order appeal against such order to the Educational Appellate Tribunal constituted under section 10. The provisions of sections 4 and 5 of the Limitation Act, 1963 shall be applicable to such an appeal.

2) Notwithstanding anything contained in sub section (1), any employee aggrieved by an order of dismissal or removal made by the Board of Management at any time within one year before the date of commencement of this Act may also appeal against such order within three months from such date.

9. Court fees :- Notwithstanding anything contained in the Karnataka Court fees and Suits Valuation Act, 1958 every appeal under this Act to the Educational Appellate Tribunal shall bear court fee stamp of twenty five rupees.

10. Tribunal :- (1) The State Government shall, by notification constitute one or more Educational Appellate Tribunals for the adjudication of appeals preferred under Section 8 and where more than one Tribunal is constituted, the State Government shall specify in the notification the limits to which the territorial jurisdiction of each Tribunal extends.

2) The Educational Appellate Tribunal shall consists of one person who is or has been a judicial officer not below the rank of a District Judge;

Provided that pending constitution of the Educational Appellate Tribunal under sub-section (1), the District Judge of each district shall function as the Educational Appellate Tribunal of the District.

3) All expenses incurred in connection with the Educational Appellate Tribunal shall be borne from out of the Consolidated Fund of the State.

4) The Educational Appellate Tribunal shall :-

a) For the purposes of the disposal of the appeals referred under this Act have the same powers as are vested in a court of appeal under the code of Civil Procedure 1908 (Central Act 5 of 1908).

b) have the power to stay the operation of the order appealed against on such terms as it may think fit;

c) if, after taking such fresh evidence as it considers necessary, is satisfied from the materials on record that :-

i) the order of dismissal or removal was not justified, it may set aside the order and district reinstatement of the employee on such terms and conditions (including payment of salary and other allowances from the date of dismissal till the date of reinstatement and costs, if any), as it thinks fit or give such other relief to the employee including the award of any lesser punishment in lieu of dismissal for removal as the circumstances of the case may require.

ii) the punishment (other than those specified in sub-clause (i) imposed was not justified, it may set aside the punishment imposed or give such other relief to the employee including the award of any lesser punishment in lieu of the punishment imposed as the circumstances of the case may require; and;

d) for the purpose of executing its own orders have the same powers as are vested in a court executing a decree of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) as if such orders were decrees of a civil court).

11. Jurisdiction of civil courts barred :- No civil court shall have jurisdiction in respect of any matter in relation to which the Educational Appellate Tribunal is empowered by this Act to exercise any power.

12. Penalties :- The Manager or any other person who contravenes any of the provisions of this Act or fails or omits to carry out any order made by the Educational Appellate Tribunal shall be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

13. Cognisance of offences :- No court shall take cognisance of any offence under this Act except with the previous sanction of an officer authorised by the State Government in this behalf.

Provided that where the officer authorised fails to inform the applicant of his decision on the application for sanction within a period of three months the sanction sought shall be deemed to have been accorded.

14. Enquiries and Proceedings :- All enquiries and proceedings before the Educational Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

15. Power to make rules :- (1) The State Government may by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature 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 this rule should not be made, the rule shall from the date on which the modification or annulment is notified by the State Government in the official Gazette have effect only in such modified form or be of no effect, as the case may be; so how ever that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

16. Transfer of pending proceedings :- All appeals and all proceedings pending before the Educational Appellate Tribunal constituted under the Mysore Private Educational Institutions (Discipline and Control) Act, 1973 immediately before the date of commencement of this Act shall stand transferred to the Educational Appellate Tribunal under this Act and shall be disposed of by such Tribunal in accordance with the provisions of the Mysore Private Educational Institutions. (Discipline and Control) Act, 1973 (Karnataka Act 21 of 1973) and of the said Act had not been repealed.

17. Repeal of Karnataka Ordinance No. 14 of 1974 (1) The Karnataka Private Educational Institutions (Discipline and Control) Ordinance, 1974 (Karnataka Ordinance No. 14 of 1974) is hereby repealed.

(2) Notwithstanding such repeal and save as other wise provided in Section 16 anything done of any action take under the said Ordinance shall be deemed to have been done or taken under this Act.

By Order and in the name of the Governor of Karnataka

(K.R.CHAMAYYA)
Joint Draftsman and Ex. Officio Joint
Secretary to Govt . Dept. of Law and
Parliamentary Affairs.

EDUCATION & YOUTH SERVICES
SECRETARY
Notification
No. ED 112 SLB 73 Bangalore dated 31st January, 1978

Whereas a draft of the Karnataka Private Educational Institutions (Model) Rules, 1976 which the Government of Karnataka propose to make in exercise of the powers conferred by sections 3 and 15 of the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 (Karnataka Act 10 of 1975) was published as required by sub-section (1) of said sections in Notification No. GSR 104 (ED 112 SLB 73, dated 24th March 1976 in Part IV(2) C(i) of the Karnataka Gazette, dated 25th March 1976, inviting objections and suggestions from all persons likely to be affected thereby on or before 30th April 1976.

And whereas the said Gazette was made available to the public on 25th March 1976.

And whereas the objections and suggestions received under the said draft have been considered by the Government.

Now, therefore, in exercise of the powers conferred by Sections 3 and 15 of the Karnataka Private Educational Institutions (Discipline and Control Act, 1975) (Karnataka Act 10 of 1975) the Government of Karnataka hereby make the following model rules, namely :-

CHAPTER – I

Preliminary

1. **Title and commencement :-** (1) These rules may be called the Karnataka Private Educational Institutions (Discipline and Control Rules, 1978).

(2) They shall come into force at once.

2. **Definitions :-** In these rules unless the context otherwise requires.

(a) “Appointing Authority” in relation to an employee means the Management or such other authority as the Management may, by order, authorise in the behalf.

(b) “Commutated leave” means leave taken under rule.

(c) “Completed years of service” and “one year’s continuous service” means a continuous service of the specified duration and includes periods spent on duty as well as on leave including extraordinary leave.

(d) “Disciplinary Authority” in relation to the imposition of a penalty on an employee means the authority competent under rules to impose on him that penalty;

(e) “earned leave” means leave earned in respect of period spent on duty;

(f) “Enquiry Committee” means the committee constituted under rule 17(2);

(g) “Half-pay leave” means leave earned in respect of completed year of service;

(h) “Head of the Department” means –

(i) the Director of Technical Education, Bangalore, if the private educational institution is an engineering or other technical institution;

(ii) the Director of Pre-University Education, Bangalore, if such institution is an independent junior college;

(iii) the Director of Collegiate Education, Bangalore, if such institution is an Arts, Science, Commerce, Home Science or Law College or any other degree college (excluding Medical and Agriculture Colleges);

(iv) the Director of Public Instruction, Bangalore, if such institution is a Secondary School, Junior College with High School Sections or special Institutions such as a Commerce Institution or an Art Institution;

(v) the additional Director of Public Instruction (Primary Education), if such an institution

is a primary or pre-primary school);

(vi) the additional Director of Public Instruction and Director, Educational Research and Training, if such an Institution is a college of Education or a Teacher's Training Institute;

(vii) the authority specified in this behalf by the State Government if such institution is an Institution or college other than those referred to in clauses (i) to (vi);

(i) "Institution" means Private Educational Institution;

(j) "Leave" includes earned leave, half-pay leave, commuted leave, not due and extraordinary leave.

(k) "Part-time employee" means an employee appointed on hourly remuneration for a period less than a year.

CHAPTER-II

Service conditions of Employees

3. Qualification : No employee shall be eligible for an appointment to any post in any Institution unless he possesses the minimum qualifications prescribed to corresponding posts in Government Educational Institutions or such higher qualifications as may be prescribed by the affiliating University where there are no Government Institutions.

4. Age :- (1) No employee, who is not within the age limit prescribed for recruitment to corresponding posts in the Government Educational Institutions, shall ordinarily be eligible for appointment to any post in any Institutions.

Provided that the age limit shall not apply to person appointed in accordance with the proviso to rule 6(1).

(2) Date of company retirement of an employee is the date in which he attains the age of fifty-five years

5. Scale of pay :- The scale of pay of an employee of an Institution shall not be lower than the scale of pay of an employee of a corresponding post in the Government Educational Institutions.

6. Method of requirement : (1) Any appointment arising for a period of more than three months in any Institution shall be made by selection from among persons who had applied in pursuance of an advertisement in news papers;

Provided that an employee in one Institution may be appointed in another Institution under the same or different Management in accordance with rules approved by Government in respect of each category of Institution.

(2) For the purpose of recruitment under sub-rule (1) the Board of Management shall constitute.

(a) a selection committee for the appointment of the teaching and non-teaching other than the post of the head of the Institution consisting of:-

(i) the President or the Head of the Board of Management or his nominee;

(ii) the head of the Department or his nominee

(iii) the Head of the Institution;

(iv) an educationist or an expert in the subject to which recruitment is to be made, to be selected by the Board of Management from a panel of names furnished by the Head of the Department.

(b) a selection committee for the appointment of the Head of the Institution consisting of:-

(i) the President or the Head of the Management or his nominee;

(ii) the Head of the Department or his nominee.

(iii) an educationist to be selected by the Management from a panel of names furnished by the Head of the Department.

Provided that the Selection Committee for appointment of teaching posts in an engineering or technical institution shall be constituted in the manner prescribed by the All India Council of Technical Education;

(3) The selection committee shall select and recommend in the order of merit a panel of three names eligible for appointment to each post.

(4) The Board of Management shall make the appointment in the order of merit out of the panel containing the names recommended by the selection committee;

(5) Any appointment for a period of three months or less or any part-time appointment for a period less than a year in an institution shall be made subject to approval of the head of the department within in month from the date of appointment, by the Board of Management of such authority as the Board of Management by order may specify in that behalf. The Head of the Department may for reasons to be recorded in writing refuse approval for the said appointment and services of the person so appointed shall be terminated forthwith.

(7) Period of Probation :- A person appointed under rule 6(i) shall be on probation for a period of one year.

Provided that the Board of Management may extend the period of probation by a further period of six months.

(8) Seniority :- The Manager shall prepare and maintain every year a separate seniority list of employees of each category of posts in the Institution.

(9) Termination and Resignation :- (1) The services of an employee employed for a specified period not exceeding three months or a part-time employee employed for a specified period less than a year on probation for a specified period may be terminated at the end of the specified period without assigning any reasons.

(2) Any employee appointed under rule 6(1) may resign from service by giving one month's notice in writing to the appointing authority or one month's salary in lieu thereof. A copy of such notice shall be sent to the Head of the Department. The Head of the Department or a person authorised by him shall call the employee to appear before him for verifying the contents of the resignation notice and shall forward it to the appointing authority for acceptance, of the resignation is found to be voluntary, the appointing authority shall not accept the resignation until the notice is forwarded to it by the Head of the Department.

CHAPTER III

Discipline

(10) Nature of penalties :- One or more of the following penalties for good and sufficient reasons and as hereinafter provided may be imposed on the employees, namely.-

(i) fine, in the case of peons and attenders only;

(ii) censure;

(iii) withholding of increments;

(iv) recovery from pay of the employee in whole or part of any pecuniary loss caused by negligence or breach of orders to the Board of Management, the State Government, the Central Government, to any other State Government, any person, body or authority to whom the services of the employee had been lent;

(v) reduction to a lower stage in a time-scale of pay for a specified period with further direction as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the

effect or postponing the future increments of his pay;

(vi) reduction to a lower time scale of pay, grade, post or service which shall, unless otherwise directed, be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced with or without further directions regarding -

(a) seniority and pay in the scale of pay, grade, post or service to which the employee is reduced;

(b) conditions of restoration to the scale of pay, grade or post of service from which the employee was reduced and his seniority and pay on such restoration to the scale of pay, grade, post or service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment;

(ix) dismissal from service which shall ordinarily be a disqualification for future employment;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of the disciplinary authority, no penalty other than those specified in clauses (vi) to (viii) shall be imposed for an established charge of corruption.

Explanation 1 :- For purpose of this proviso, the expression "corruption" shall have the meaning assigned to the expression "criminal misconduct in discharge of official duty" in sub-section (1) of Section 5 of the Prevention of Corruption Act, 1974 (Central Act 2 of 1974) or the meaning assigned to the expressions "taking gratification other than legal remuneration in respect of an official act" and "obtaining valuable thing without consideration" in sections 161 and 165 respectively of the Indian Penal Code.

Explanation 2 :- The following shall not amount to a penalty within the meaning of this rule.-

(i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the rules or orders governing the service or post or terms of his appointment;

(ii) stoppage of pay of the employee at the efficiency bar in the time scale on the ground of unfitness to cross the efficiency bar;

(iii) non-promotion, whether in a substantive or officiating capacity of an employee after consideration of his case to a grade or post for promotion to which he is eligible;

(iv) reversion to a lower service, grade or post of an employee officiating in a higher service, grade or post on the ground that he is considered after trial to be unsuitable for such higher service, grade or post on administrative grounds connected with his conduct (such as the return of the permanent incumbent from leave or deputation availability of a more suitable officer);

(v) reversion to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;

(vi) compulsory retirement of an employee in accordance with the provision relating to his superannuation or retirement;

(vii) termination of service,-

(a) of an employee appointed for three months or less;

(b) of a part-time employee appointed for a period less than a year;

(c) of a person employed under an agreement in accordance with the terms of such agreement;

(d) of an employee appointed on probation at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation.

(viii) retrenchment of an employee.

(11) Disciplinary Authorities :- (1) The Board of Management may impose any of the penalties specified in rule 10 on any employee.

(2) Without prejudice to the provision of sub-rule (1) but subject to the provisions of sub-rule (3)—

(a) the Head of the Institution may impose any of the penalties specified in clauses (i) of rule 10;

(b) the Board of Management may impose any of the penalties specified in clauses (iii) to (ix) of rule 10;

(3) The Board of Management shall be competent to impose penalties (i) to (ix).

(4) Notwithstanding anything contained in these rules, no penalty specified in clauses (vi) to (ix) of Rule 10 shall be imposed by any authority lower than the appointing authority.

12. Suspension :- (1) The appointing authority may place an employee under suspension under the following circumstances and conditions :-

(a) (i) a disciplinary proceeding against an employee is pending or

(ii) a case against an employee in respect of any criminal offence is under investigation or court trial or

(iii) a preliminary inquiry against an employee has made out a “prima facie” case which would justify disciplinary proceeding or criminal prosecution against him and the proceedings are likely to end in his conviction and or dismissal or removal from service and

(b) the disciplinary proceeding or criminal offence involves one or more of the following misdemeanour.

(i) moral turpitude

(ii) corruption, embezzlement or misappropriation of the Institution’s money, possession of assets disproportionate to one’s known sources of income, misuse of official power for personal gain.

(iii) serious negligence and dereliction of duty resulting in considerable loss to the Institution.

(iv) desertion of duty,

(v) refusal or deliberate failure to carry out written orders of superior authority, and service and

(c) the continuance in office of the employee

(i) will prejudice the disciplinary proceeding, criminal investigation or trial or

(ii) is likely to seriously subvert discipline in the Office in which he is working or

(iii) is likely to lead to a public scandal.

2. An employee shall be deemed to have been placed under suspension by an order appointing Authority –

(a) with effect from the date of his detention, if he is detained in custody whether on criminal charge or otherwise for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to (a term of a conviction for an offence, he is sentenced to) a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation :The period of forty-eight hours referred to in clause (b) of this sub-rule (2) shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(c) where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in his appeal or an review under these rules

and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Disciplinary Authority on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with, any disciplinary proceeding is commenced against him during the continuance of that suspension), the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

13. Subsistence allowance during suspension : (1) Every employee placed under suspension shall be entitled to the following payments, namely :-

(a) Subsistence allowance at an amount equivalent to seventy five per cent of the pay drawn immediately prior to the date of suspension, the additional dearness allowance, if admissible, on the basis of the amount of such subsistence allowance :

Provided that where the period of suspension exceeds twelve months, the authority made or deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first twelve months as follows :-

(i) The amount of subsistence allowance may be increased to an amount equal to ninety per cent of the pay drawn immediately prior to the date of suspension if in the opinion of the said authority the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee.

(ii) the amount of subsistence allowance to be reduced by suitable amount not exceeding fifty per cent of the subsistence allowance admissible during the period of first twelve months, if in the opinion of the said authority the period of suspension has been prolonged due to the reasons to be recorded in writing directly attributable to the employee.

(iii) the rates of dearness allowance will be based on the increased or as the case may be the decreased amount of subsistence allowance admissible under sub-clause (i) or (ii);

(a) Provided further that when an employee is convicted by a Competent Court and sentenced to imprisonment, the subsistence allowance shall, pending the result of an appeal to a higher court, be reduced to the nominal amount of one rupee per month and the question of paying him pay or allowances either in full or in part for the period of conviction and sentence till the decision of the appellate Court in the event of an appeal being filled may be considered by the Board of Management after the appeal is decided.

(b) Each claim for subsistence allowance should be supported by a certificate by the

employees concerned to the effect that the was not engaged in any employment, business, profession or vocation during the period to which the claim relates.

(2) Where an employee who has been dismissed, removed, compulsorily retired or suspended is reinstated or would have been reinstated but for his retirement on superannuation while under suspension, the authority competent to order the reinstatement shall consider and make a specific order.

(a) regarding the pay and allowances to be paid to the employee for the period of his absence from duty or for the period of suspension ending with the date of retirement on superannuation, as the case may be; and

(b) whether or not the said period shall be treated as the period spent on duty.

(2) where such competent authority holds that the employee has been fully exonerated, the employee shall be given the full pay to which he would have been entitled had he not been dismissed, or removed from service and the period of absence from duty shall be treated as a period spent on duty for all purposes.

(3) In other cases, the employee shall be given such proportion of such pay and allowance, as the competent authority may prescribe and the period of absence from duty shall not be treated as period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that the payment of allowances under sub-rule (2) or (3) shall be subject to all other conditions under which such allowances are admissible;

Provided further that such proportion of such pay and allowances shall not be less than subsistence allowance and other allowances admissible under these rules.

(4) Where on the conclusion, of the inquiry against an employee placed under suspension, the authority competent to impose any punishment,-

(i) makes an order fully exonerating or acquitting him the period during which he was under suspension pending the enquiry shall be deemed to be period of duty and the employee shall be entitled to full pay and allowance as if he had not been placed under suspension;

(ii) makes an order imposing any penalty other than the penalty of compulsory retirement, removal from service or dismissal from service, the employee shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in his discretion specify; and where no such proportion is specified, the employee shall be entitled to subsistence allowance admissible under these rules and the period of suspension shall count as duty unless the said authority has otherwise directed.

(iii) makes an order imposing the penalty of compulsory retirement, removal from service or dismissal, shall be paid for the period of suspension such proportion of his pay and allowances such proportion is specified, the subsistence allowance admissible under these rules and the period of suspension shall not count as duty for any purpose unless the said authority has otherwise directed.

14. Leave while under suspension :- (1) Leave of absence for a definite period is not admissible to an employee who has been suspended from duty without obtaining the permission of the authority competent to fill up the appointment of an employee under suspension should not leave the station where his office is situated.

(2) No payment of subsistence allowance shall be made unless the employee continuous to reside in the station where his office is situated or in the station in which he is permitted by the authority which made or which is deemed to have made the order of suspension.

15. Authority to institute proceedings :- The Board of Management or any other authority empowered by it by general or special order may institute disciplinary proceedings against any

employee.

16. Procedure of imposing minor penalties :- (1) No order imposed on any employee or any of the penalties specified in clauses (i) to (v) of rule 10 shall be made except after.-

- (a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehavior on which it is proposed to be taken and giving him a reasonable opportunity making such representation as he may make against the proposal; and
 - (b) such representation or explanation, if any, is considered by the Board of Management, Manager or the Head of the Institution as the case may be.
- (2) The record of proceeding in such cases shall include -
- (i) a copy of the intimation to the employee of the proposal to take action against him;
 - (ii) a copy of the statement of imputations of misconduct or misbehavior communication to him;
 - (iii) his/her representation, of any;
 - (iv) the evidence produced during the inquiry, if any;
 - (v) the findings on each imputation of misconduct or misbehavior; and
 - (vi) the orders on the case together with reasons therefore.

17. Procedure for imposing major penalties :-

(1) No order imposing any of the penalties specified in clauses (vi) to (ix) of rule 10 shall be made except after an enquiry is held, as far as may be in the manner provided in this rule.

(2) Whenever the Management is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior or breach of any provision of the code of conduct specified in Chapter V against an employee, it may appoint an Enquiry Committee consisting of one or more persons not having any dealings of whatever nature with the Management or any member thereof or with any employee in the Institution or elsewhere. When an Enquiry Committee consists of two or more members, the quorum shall be two.

(3) Where an order of suspension has been made, the Enquiry Committee shall, before proceeding with the enquiry record in writing, whether the said suspension is "prima facie" in accordance with sub-rule (1) of rule 12.

(4) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the enquiry is proposed to be held. Such charges, together with a statement of allegations on which they are based shall be communicated in writing to the employee and he shall be required to submit within such time as may be specified by the Enquiry Committee, a written statement of his defense and also to state whether he desires to be heard in person.

(5) The employee shall for the purpose of preparing defense be permitted to inspect and take extracts from such records as he may specify :

Provided that such permission may be refused if, for reasons to be recorded in writing in the opinion of the Enquiry Committee such records are not relevant for the purpose and it is against the interest of the Institution to allow his access thereto.

(6) On receipt of the statement of defense in writing by the employee or if no such statement is received within the time specified, the Enquiry Committee shall proceed with the Enquiry.

(7) The Disciplinary Authority may nominate any person to present its case before the Enquiry Committee. The Employee may present his case with the assistance of

any other person approved by the Enquiry Committee, but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority to present its case if a legal practitioner or the enquiry committee having regard to the circumstances of the case so permit.

(8) The Enquiry Committee shall, in the course of the enquiry, consider such documentary evidence and take such other evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person.

Person Presenting the case in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defense. If the enquiry committee declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(9) At the conclusion of the inquiry, the enquiry committee shall prepare a report of the enquiry, record its findings on each of the charges together with the reason therefore. If in the opinion of the enquiry committee, the proceedings of the enquiry establish charges differ from those originally framed, it may record findings on such charges.

Provided that findings as such charges shall not be recorded unless the employee had an opportunity of defending himself against them.

(10) The record of enquiry shall include –

(i) the charges formed against the employee and the statement of allegations furnished to him;

(ii) his written statement of defense, if any;

(iii) the oral evidence taken in the course of the enquiry;

(iv) the documentary evidence considered in the course of the enquiry;

(v) the orders, if any, made by the Disciplinary Authority and the enquiry committee in regard to the enquiry.

(vi) a report setting out the findings on each charge and the reasons therefore; and

(vii) any suggestion of the Enquiry Committee, if it considers necessary for the imposition of any penalty.

(11) The Board of Management shall consider the report of enquiry and record its findings on each charge.

(12) If the Board of Management having regard to its findings on the charges is of the opinion that any of the penalties specified in clause (vi) to (ix) of rule 10, 19 should be imposed, it shall, furnish to the employee, a copy of the report of the enquiry committee and a statement of its findings, if any,

(13) The Board of Management shall consider the representation, if any, made by the employee in response to the notice and determine what penalty, if any, should be imposed on the employee and pass appropriate orders in the case.

(14) If the Board of Management having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (v) shall be imposed, it shall pass appropriate orders in the case.

(15) Orders passed by the Board of Management shall be communicated to the employee who shall also be supplied with a copy of the report of enquiry committee and statement of its findings if they have not been already been supplied to him. Any appeal against any of the penalties imposed by the Disciplinary Authority shall lie to the Educational Appellate Tribunal.

(18) Communication of orders :- Every order of the Disciplinary Authority or Board of

Management imposing any penalty or otherwise affecting his conditions of service to this prejudice, shall be communicated to the employee by the Manager by registered post acknowledgement due, and a copy of the order be sent to the prescribed authority at the same time.

CHAPTER-IV

Leave Rules

19. General Rule :- (1) Leave of any kind cannot be claimed as of right.

Discretion is reserved to the authority competent to grant leave, to refuse, or to revoke leave at any time in the interests of the Institution.

(2) Any leave under these rules may be granted in combination with or in communication of any other kind of leave, except casual leave.

(3) No leave shall be granted beyond the date on which an employee must compulsorily retire.

20. Earned Leave :- (1) Earned leave admissible to a permanent employee is 1/11th of the period spent on duty.

Provided that an employee shall cease to earn such leave when the earned leave due amount to one hundred and eighty days.

Notes:-

(1) In calculating earned leave, the actual number of days of duty performed should be first counted and then multiplied by 1/11th and the product expressed in days and fractions of the days and limited to the maximum earned leave admissible under these rules.

(2) Earned leave admissible to a temporary employee is 1/22nd of the period spent on duty in respect of the first year of his service.

Provided that no earned leave shall be admissible to a temporary employee in the vacation department in respect of the first year of his service.

(3) The maximum earned leave that may be granted at any time shall be one hundred and twenty days.

(4) Earned leave is not admissible to an employee serving in the vacation department in respect of duty performed in any year in which he avails himself the full vacation. But, in case of urgent necessity, earned leave on half of the leave salary may be granted to such an employee.

Note :- In the case of an employee belonging to vacation department, the presumption is that he will avail himself of the vacation. Leave in case of urgent necessity can be given for the period of service rendered between two vacations until the second vacation expires.

(5) A temporary employee appointed without interruption of duty substantively to a permanent post, may count his temporary service for the purpose of this rule.

(6) If vacation is utilised in combination with or in continuation of any kind of leave or earned leave taken in combination with other kind of leave, the total period of absence shall not exceed one hundred and twenty days.

(7) The total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed two hundred and forty days.

Note :- The clerical and menial staff working in the Education Institutions such as Primary School's Middle Schools, High Schools, Training Institutions and B.Ed. and other Colleges (including Laboratory Attenders and Laboratory Staff) shall be treated as belonging to non-vacation department.

21. Half pay leave :- (1) The Half pay leave admissible to a permanent employee in respect of each completed year of service is twenty days.

(2) Half-pay leave may be granted to a temporary employee provided that the authority competent to sanction leave is satisfied that the employee will return to duty on the expiry of such leave.

(3) Half-pay leave due may be granted to an employee in medical certificate or on private affairs.

(4) An employee on half pay leave is entitled to leave salary equal to half the amount he would be entitled if he were on leave on full pay.

22. Commuted leave :- (1) Commuted leave not exceeding half the amount of half pay leave may be granted on medical certificate or on private affairs to an employee subject to the following conditions, namely,-

(a) Commuted leave that may be granted during the entire service of an employee shall be limited to maximum of two hundred and forty day;

(b) The maximum commuted leave on private affairs that may be granted at a time shall be one hundred and twenty days.

(c) If commuted leave on private affairs is combined with earned leave, the total period shall not exceeded one hundred eighty days.

(d) The total duration of earned leave combined with commuted leave granted on medical certificate shall not exceed two hundred and forty days.

(e) No commuted leave should be sanctioned under this rule unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

(f) When commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due.

(2) When an employee to whom commuted leave has been granted intends to retire on the expiry of such leave, the commuted leave granted shall be converted into half-pay leave and the difference between the leave salary in respect of commuted leave and half-pay leave shall be recovered. But if the retirements compulsorily thrust upon him by reason of my health, incapacitating him for further service, no refund should be taken.

(3) When an employee who had been granted commuted leave either by itself or in combination with other kinds of leave, dies while on such leave, the commuted leave need not be converted into half-pay leave and the difference in leave salary in respect of commuted leave and half-pay leave shall not be recovered.

23. Extraordinary leave :- (1) Extraordinary leave may be granted to an employee when no other leave is by rule admissible, or when other leave is admissible but the employee applies in writing for the grant of extraordinary leave.

(2) The duration of extraordinary leave shall not exceed three months on any occasion. The duration shall not exceed six months where the application for the grant of such leave is supported by medical certificate and two years for the purpose of prosecuting studies certified to be in the professional interest.

(3) An employee under extraordinary leave is not entitled to any leave salary.

24. Maternity leave : (1) Maternity leave on full pay may be granted to married women employees for a period which shall not ordinarily exceed two months but which may be extended to three months at the discretion of the sanctioning authority on production of medical certificate. In no case shall maternity leave extend six weeks from the date of confinement. No maternity leave shall be granted to married women employees having three or more children.

(2) Maternity leave may be combined with leave of any kind, but any leave applied for in continuance of maternity leave may be granted only on production of medical certificate.

(3) Leave in continuation of maternity leave may be granted in the case of illness of a

new born baby, subject to the production of a medical certificate to the effect that personal attention and presence of the mother is absolutely necessary.

(4) Maternity leave may be combined with vacation provided that no extra cost is involved for the period of the vacation so combined.

(5) Maternity leave for a period not exceeding six weeks may be granted in cases of miscarriage, including abortion, provided the application is supported by as medical certificate from a registered medical practitioner.

25. Casual leave :- The amount of casual leave and special casual leave admissible to the employee shall be the same as that admissible to the employees in Government service.

26. Vacation pay :- The rules governing the payment of vacation pay to similar category of employees in Government Educational Institutions, shall also apply to the employees of the Institution.

27. Compensation :- An employee of the Institution who has been confirmed and whose services are terminated by the management for reasons other than as a measure of punishment. shall be entitled to compensation at the rate of 15 days salary for every completed year of service, subject to minimum of three months salary and maximum of fourteen months salary.

CHAPTER-V

Rules in respect of matters relating to code of conduct of Employees.

Employees shall be governed by the Code of Conduct.-

Every employee whether aided or not shall be governed by the Code of Conduct, as specified in this Chapter, and every such employee shall be liable to the disciplinary action specified in rule 10, for the breach of any provision of the Code of Conduct:

Provided that in the case of an employee of an unaided Institution, the penalties for the breach of any provision of the Code of Conduct shall be such as may be specified in the contract of service between the Board of Management and the concerned employee.

29. Code Conduct for employee, —(1) The code of conduct for employees shall be as follows.-

- (a) An employee at all times, shall maintain absolute integrity and devotion to duty.
- (b) No employee shall,
 - (i) knowingly or willfully neglect his duties;
 - (ii) propagate communal or sectarian outlook or incite or allow any student to indulge in communal or sectarian activity;
 - (iii) discriminate against any person on the ground of caste, creed, language, place or origin social and cultural background or any of them;
 - (iv) indulge in or encourage, any form of mal-practice connected with examination or any other school activity;
 - (v) show any sustained neglect in correcting class work or home-work or home- done by student;
 - (vi) while on duty in the Institution, absent himself (except with the previous permission of the head of the institution) from the Institution;
 - (vii) remain absent from the Institution without leave or without the previous permission of the Institution;
 - (viii) behave in a manner unbecoming of an employee of an Educational Institution;
 - (ix) accept private tuition other than in accordance with the same conditions and restrictions as are applicable to a Government teacher;
 - (x) prepare or publish any book commonly known as keys or assist, whether directly or

indirectly, in their publication without the permission of the Board or Management;

(xi) enter into any monetary transactions with any student or parent; nor shall be exploit his influence for personal ends; nor shall be conditions is personal matter in such a manner that he has to incur a debt beyond his means to repay;

(xii) accept, or permit any member of his family or any other person acting on his behalf to accept, any gift from any student, parent or any person with whom he has come into contact by virtue of his position in the Institution.

Explanation :- (a) The expression 'gift' shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relation or personal friend having no dealings with him in connection with the school.

Note :- (a) casual meal, lift or other social hospitality of a casual nature shall be a gift.

(b) On occasions, such as weddings, anniversaries, funerals or religious function when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept the value thereof does not exceed twenty-five rupees.

(xiii) practice or incite any student to practice, casteism, communalism or untouchability;

(xiv) cause or incite any other person to cause, any damage to school property;

(xv) behave, or encourage, or incite any student, teacher or other employee to behave in a rowdy or disorderly manner in the premises of the Institution;

(xvi) indulge in any violence, or any conduct which involves moral turpitude;

(xvii) misbehave with or show cruelty towards any parent, guardian, student, teacher, or other employee of the Institution;

(xviii) organise or attend any meeting during the working hours of the Institution except when he is required or permitted by the head of the Institution to do so;

(xix) such other matters that may be agreed to between the Management and the employee;

(c) Every employee shall, -

(i) be punctual in attendance and in respect of his work and also for any other work connected with the duties assigned to him by the head of the institution;

(ii) abide by the rules and regulations of the Institutions and also show due respect to a constituted authority.

(2) Nothing contained in sub-rule (1) shall be deemed to take away or abridge the right of an employee,—

(a) to appear at any examination to improve his/her qualification;

(b) to become or to continue to be a member of any literary, scientific or professional organisation; and

(c) to make any representation for the redressal of any bonafide grievance, subject to the condition that such representation is not made in any trade or indecorate language.

By order and in the name of the President of India.

K.H.Krishna Singh,
Deputy Secretary to Government,
Education and Youth Services Department.

**THE KARNATAKA PROHIBITION OF ADMISSION OF STUDENTS
TO THE UN-RECOGNIZED AND UN-AFFILIATED
EDUCATIONAL INSTITUTIONS ACT, 1992**

[Karnataka Act No. 7 of 1993]

(First published in the Karnataka Gazette Extraordinary,
on the Tenth day of February, 1993)

**The Karnataka Prohibition of Admission of Students to the Un-Recognized And Un-
Affiliated Educational Institutions Act, 1992**

(Received the assent of the Governor on Tenth day of February, 1993)

**An Act to provide for prohibition of admission of students to the un-recognised and un-
affiliated educational Institutions in the State of Karnataka and matters relating thereto;**

Whereas, the practice of admitting students to un-recognised and un-affiliated Educational Institutions is widespread in the State;

And whereas, the undesirable practice besides contributing to large scale commercialisation of education has not been conducive to the maintenance of educational standards;

And whereas, it is considered necessary to effectively curb this evil practice in public interest by providing for prohibition of admission of students to the un-recognised and un-affiliated Educational Institutions and matters relating thereto;

And whereas, it is expedient to provide for prohibition of admission of students to un-recognised un-affiliated Educational Institutions and matters relating thereto;

Be it enacted by the Karnataka State Legislature in the Forty-third Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the **Karnataka Prohibition of Admission of Students to the un-recognised and un-affiliated Educational Institutions Act, 1992.**

(2) It shall be deemed to have come into force on the Twenty-eighth day of May, 1992.

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

(a) "**Commerce education**" means education in Shorthand and Typewriting, Book-keeping and Accountancy, Commerce, Office Practice and Procedure, Salesmanship and Marketing, Banking Practice, Insurance Practice and such other subjects as may be noticed by the State Government;

(b) "**Commerce Institution**" means any Institution imparting Commerce education and presenting students for examinations conducted by the Karnataka State Secondary Education Examination Board;

(c) "**Competent Authority**" means any person, Office or authority Authorised by the State Government, by notification, to perform the functions and discharge the duties of the competent authority under all or any of the provisions of this Act for such area or for such purpose or for such classes of institutions as may be specified in the notification;

(d) "**Educational Institution**" means any Institution by whatever name called other than Commerce Institution, whether managed by Government, Private body, Local Authority, Society, Trust, University or any other person carrying on the activity of imparting education in General Education, Professional Education, Medical Education, Technical Education, leading to a degree conferred or Diploma granted by a University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) or grant of Diploma or Certificate by any Authority and any other Educational Institution, or class or classes of such Institution, as

the State Government may by notification specify.

(e) "**General education**" means every branch of education other than religious, professional, medical, technical or special education;

(f) "**Medical education**" includes education in modern scientific medicine, in all its branches, including education in Pharmacy and Dental Education, Ayurvedic System of Medicine, Indigenous Medicine, Naturopathy, Siddha or Homeopathy;

(g) "**Special education**" means education for the handicapped, education in music, dance, drama, fine arts, physical education including sports and games and such other types of education as the State Government may by notification in that behalf specify;

(h) "**Society**" includes a Society Registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act No. 17 of 1960), or the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) or a trust registered under the Bombay Public Trust Act, 1950 or any association of individuals whether registered or not;

(i) "**Technical Education**" means any course of study in Engineering, Technology, Architecture, Ceramics, Industrial Training, Mining or in any other subject, as the State Government may, by notification, specify.

3. Prohibition of Admission of Students to unrecognised and un-affiliated Educational Institutions.- No student shall be admitted to an Educational Institution, unless such Educational Institution has been.-

(i) granted permission or has been recognised by the State Government or by the University or by a Board or any authority by whatever name called which is competent to grant such permission or recognition as the case may be, in accordance with the provisions of any law for the time being in force or rules made, thereunder or any order issued by the State Government in this behalf;

(ii) affiliated to any University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976); and

(iii) granted affiliation to a course of study.

4. Prohibition of admission of students in excess of intake.- (1) [No. Educational Institution] shall admit Students in excess of intake fixed by the University or the State Government, Board or any other authority in respect of such institution or course of study and any admission made in excess of such intake shall be invalid.

(2) No student admitted in contravention of this section or Section 3 shall be eligible to appear for any examination conducted by the State Government or the University or a Board or any Authority.

Explanation : For the purpose of this section educational Institution means, any Institution or College conducting courses leading to a Degree or Diploma or Certificate in Education or Physical Education, Engineering, Medical, Pharmacy and Dental Education and such other institution as the State Government may, by notification, specify.

5. Power to issue directions : - Notwithstanding anything contained in this Act or in any law for the time being in force, where students have been admitted to a New College or to a New Course of Study in an existing college, to which affiliation has not been granted or where students have been admitted in excess of the intake prior to the commencement of this Act and where such students have not been allowed to appear for the examination held during the Academic year 1991-92, the State Government may, if it considers necessary so to do, issue direction to the Karnataka State Secondary Education Examination Board, the Pre-University Education Board, or any other Authority which conducted such examination for the said academic year or to the University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976 subject to the provisions of Section 57 of the Karnataka act 28

of 1976) subject to such conditions as may be specified in such direction, to conduct the examination for such students within four months from the date of commencement of this Act and to permit them to appear for such examination and it shall be the duty of such Board or Authority or the university to comply with such directions.

6. Penalties : Whoever contravenes the provisions of this Act or the rules or order made or issued thereunder or any other Rules or Order made or issued by the State Government in respect of admission or intake of students and matters connected therewith shall, on conviction, be punishable with imprisonment for a term which shall not be less than one year but which shall not exceed three years and with fine which may extend to three thousand rupees and when the offence is continuing one with a daily fine not exceeding two hundred and fifty rupees during the period of the continuance of the offence.

7. Offence by companies :- (1) Where an offence against any of the provisions of this Act, or any Rule made thereunder has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this subsection shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything in subsection (1) where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of the company such director, manager, secretary or other officer shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation :- For the purpose of this section, -

- (a) **'Company'** means any body corporate and includes a Trust, a Firm, a Society or other Association of individuals, and
- (b) **'Director'** in relation to (i) a firm means Partner in the firm;
(ii) a Society, a trust or other association of individuals means the person who is entrusted under the rules of the Society, Trust or other Association with management of the affairs of the Society, Trust or other Association, as the case may be.

8. Cognizance of offences.- No Court shall take cognizance of any offence punishable under the Act save on the complaint made by the competent authority or such officer authorised in this behalf by the competent authority.

9. Act to override other laws.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

10. Protection of act done in good faith.- No suit, prosecution or other legal proceeding shall be instituted against the Government or any Officer. Authority or person empowered to exercise the powers or perform the functions by or under this Act for anything which is in good faith done or intended to be done under this Act or under the Rules, Notifications, or Orders made thereunder.

11. Power to make rules.- (1) The Government may, by notification, make rules for carrying out all or any of the purpose of this Act.

(2) Every notification issued and every rule made under this Act shall immediately after it is issued or made be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following for a total period of thirty days which may be comprised in one session or two or more successive sessions and if before the expiration

the expiration of the sessions in which it is so laid or the session immediately following both Houses agree in making any modification in the notification or rule or in the annulment of the notification or rule the notification or rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

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

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

13. Repeal and Savings.- (1) The Karnataka Prohibition of Admission of Students to the Un-recognised and un-affiliated Educational Institutions Ordinance, 1992 (Karnataka Ordinance 5 of 1992) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Corrigendum

In the Notification No. LAW 61 LGN 92, dated 13th May, 1993, published in the Part IV, Section 2-B of the Karnataka Gazette, Extraordinary, dated 13th May, 1993, relating to the Karnataka Prohibition of Admission of Students to the Unrecognised and Un-affiliated Educational Institutions Act, 1992.

In Page 5, in line 2, for "Educational Institution" read "No Educational Institution".

**THE KARNATAKA EDUCATION INSTITUTIONS
(APPELLATE AUTHORITY)
RULE 1998**

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1. Title and Commencement.
2. Definition
3. Period for making Appeal and Appellate Authority
TABLE

**THE KARNATAKA EDUCATION INSTITUTION
(APPELLATE AUTHORITY) RULES 1998
NOTIFICATION**

No. ED 65 VIVIDA 98, Bangalore, dated 3rd August 1998

Whereas the draft of the Karnataka Educational Institutions (Appellate Authority) Rules, 1998 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 65 VIVIDA 98, dated 16th June, 1998 in Part-IV Section 2 C (i) of the Karnataka Gazette Extraordinary dated 16th June, 1998, inviting objections and suggestions from the persons likely to be affected thereby.

Whereas the said Gazette was made available to the public on 16th June, 1998.

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

Now, therefore, in exercise of the powers conferred by section 130 read with section 145 of the Karnataka Education Act 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby makes the following rules, namely:-

1. **Title and Commencement** - (1) These rules may be called the Karnataka Education Institutions (Appellate Authority) Rules 1998.

2. **Definition** : 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.

3. Period for making Appeal an Appellate Authority -

- (1) Any person or Governing council may prefer an appeal under Section 130 within a period of thirty days from the date of the order appealed against.
- (2) For the purpose of section 130, authorities specified in column (3) of the Table below shall be the prescribed appellate authorities in respect of the category of Educational Institutions specified in the corresponding entries in column (2) thereof.

TABLE			
Sl. No.	Category of Educational Institution	Authorities	Authority to which the Authorities specified in column (3) are Sub-ordinate
(1)	(2)	(3)	(4)
1.	Pre-Primary and Primary	Director of Primary Education	Commissioner of Public Instruction
2.	Secondary/ High Schools	Director of Secondary Education	Commissioner of Public Instruction
3.	Pre-university College/Junior Colleges	Director of Pre-University Education	Government
4.	Colleges under the control of	Commissioner of Collegiate Education	Government
5.	Engineering Colleges, Polytechnics and Fine Arts Colleges	Director of Technical Education	Government
6.	Institutions running Vocational Courses	Director of Vocational Education	Commissioner of Public Instruction
7.	Teachers Training Institutions, (TCH Institutions) CPED Institutions, Colleges of Education, Colleges of Physical Education	Director of State Educational Research and Training	Commissioner of Public Instruction

Provided that if any Authority specified in column (3) of Table itself has passed an order appealable under section 130, an appeal against such an order shall lie, within thirty days from the date of the order, to the Authority specified in column (4) to which it is subordinate.

Provided further that if any Authority specified in column (4) of the Table, other than the Government itself has passed an order appealable under sections 130, an appeal against such an order shall lie, within thirty days from the date of the order, to the Government.

By order and in the name
of the Governor of Karnataka

M.S.ASWATHANARAYANARAO
Deputy Secretary to Govt.,
Education Department

GOVERNMENT OF KARNATAKA

No. Ed 11 MPS 2004

Karnataka Government Secretariat,
Multistoried Buildings,
Bangalore, dated 22-10-2005

NOTIFICATION

Whereas the draft of the rules which the Government of Karnataka proposes to make in exercise of the powers conferred by sub-section (1) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) further to amend the Karnataka Educational Institutions (Appellate Authority) Rules, 1998, was published in Notification No. ED 1 MPS 2004 (III) dated 14-09-2004 in the Karnataka Gazette Extra-ordinary No. 1085 dated 29-09-2004 as required under sub-section (1) of section 145 of the said Act, for the information of person likely to be affected thereby and notice thereby given, that the said draft will be taken into consideration after fifteen days from the date of its publication into the Official Gazette;

And whereas the said Gazette was made available to the public on 29th September 2004;

And whereas no objection and suggestions have been received in this regard by the State Governments.;

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:-

1. Title and commencement: (1) These rules may be called the Karnataka Educational Institutions (Appellate Authority) (Amendment) Rules, 2005.

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

2. Amendment of rule 3.- In sub-rule (2) of rule 3 of the Karnataka Educational Institutions (Appellate Authority) Rules, 1998, in the Table, for the entries relating to Sl.No. 1 and 2, the following shall be substituted, namely:

1	(a) Pre-Primary and Primary Schools/ Institutions other than Pre-Primary and Primary Urdu and other minority languages Schools. institutions of Bangalore and Mysore Division.	Director, Primary Education, Office of the CPI, Bangalore	CPI, Bangalore
	(b) Pre-Primary and Primary Schools/ Institutions other than Pre-Primary and Primary Urdu and Other minority languages schools./ institutions of Belgaum Division	Director of Public Instruction, Office of the Addl. CPI, Dharwad	CPI, Dharwad
	(c) Pre-Primary and Primary Schools/ Institutions other than Pre\Primary and Primary Urdu and other minority languages schools.institutaions of Gulbarga Division.	Director of Public Instructions, Office of the Addl. CPI, Gulbarga.	CPI, Gulbarga
	(d) Pre-Primary and Primary Schools/ Institutions of Urdu and other minority languages	Director of Public Instructions, Urdu and other Minority languages Schools, Bangalore.	CPI, Bangalore
2.	(a) Secondary/High Schools other than Secondary/High Schools/Institutions of Urdu and other minority languages of Bangalore and Mysore Division.	Director of Secondary Education, Office of the CPI, Bangalore.	CPI, Bangalore
	(b) Secondary/High School other than Urdu and other minority languages Secondary/ High Schools of Belgaum Division.	Director of Public Instruction, Office of the Additional CPI, Dharwad.	CPI, Dharwad
	(c) Secondary/High Schools other than Urdu and other minority languages Secondary/High Schools of Gulbarga Division.	Director of Public Instruction, Office 3 of the Additional CPI, Gulgarga.	CPI, Gulbarga
	(d) Secondary/High Schools/Institutions of Urdu and other minority languages in the State.	Director of Public Instruction, Urdu and other Minority languages Schools, Bangalore.	CPI, Bangalore

By order and in the name of the Governor of Karnataka

(M.N.SOMASHEKHAR)
Deputy Secretary to Govt.,
Education Department

THE KARNATAKA EDUCATIONAL INSTITUTIONS (APPEAL, REVISION AND REVIEW) RULES, 1998

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1. Title and commencement.....
2. Definitions.....
 - (a) Act.....
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3. Period of Appeal and Appellate Authority
4. Procedure in Appeals
5. Application for Revision under Section 131
6. Application for review under Section 132
7. The provisions of the Civil Procedure Code to be generally followed
8. Correction of Clerical and arithmetical mistakes, etc.
9. Repeal and Savings.

Whereas, the draft of the Karnataka Educational Institutions (Appeal Revision and Review) Rules, 1998 was published as required by sub-section (i) of Section 145 of the Karnataka Education Act, 1983 (Karnataka Act, 1 of 1995) in Notification No.ED 65 VIVIDA 98, dated 30th April, 1999 in part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 3rd May, 1999, inviting objections and suggestions from the persons likely to be affected thereby.

Whereas the said Gazette was made available to the public on 3rd May, 1999

And whereas, no objections and suggestions have been received in this regard by the Government.

Now, therefore, in exercise of the powers conferred by Section 130 read with Section 145 of the Karnataka Education Act, 1983 (Karnataka Act, 1 of 1995), the Government of Karnataka hereby makes the following rules, namely.

1. Title And Commencement:- (1) These rules may be called the Karnataka Educational Institutions (Appeal, Revision and Review) Rules, 1998.

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

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

- (a) "A" means, the Karnataka Education Act 1983 (Karnataka Act, 1 of 1995) .
- (b) "Section" means a Section of the Act.

3. Period of Appeal and Appellate Authority :- (1) Every appeal preferred under section 130 shall be filed within a period of thirty days from the date of the order against.

(2) For the purpose of Section 130, authorities specified in column

(3) of the Table below shall be the Appellate Authorities in respect of the category of Educational Institutions specified in the corresponding entries in column (2) thereof.

Sl.no	Category of Educational Institutions	Appellate Authority	Authority to which the authorities specified in column (3) are subordinate
(1)	(2)	(3)	(4)
1	Pre-primary and Primary	Director of Primary Education	Commissioner of Public Instruction
2	Secondary/ High Schools	Director of Secondary Education	Commissioner of Public Instruction
3	Pre-University College/ Junior Colleges	Director of Pre-University Educations	Government
4	Colleges under the control. Director of Collegiate of Education	Department of Collegiate Education	Government
5	Engineering Colleges Polytechnics and fine Arts Colleges	Director of Technical Education	Government
6	Institutions running Vocational Courses	Commissioner of Public Instruction	Director of Vocational Education
7	Teachers Trainings Institutions (TCH Institutions) CPED institutions Colleges of Educations College of Physical Education	Commissioner of Public Instruction	Director of State Educational Research and Training
8	Arabic Colleges and Sanskrit Colleges	Commissioner of Public Instruction	Government
9	Hindi Vidhyalayas Arabic Madarana and Sanskrit Pathashalas	Commissioner of Public Instruction	Director, Urdu and other Minority Language Schools

Provided that where the order appealable under Section 130 is of the Appellate Authority specified in column (3) of the table, an appeal against such order shall be, within thirty days from the date of the order, to the authority immediately superior to it:

Provided further that where the order appealable under Section 130 is of the authority specified in column (4) of the table other than the state Government, an appeal against such order shall lie, within thirty days from the date of the order, to the Government.

4. Procedure in Appeals:- (1) An appeal shall be submitted in duplicate in the form of a memorandum setting forth concisely the grounds of appeal.

(2) Every appeal shall be accompanied by:-

(i) the copy served on the party by the authority or certified copy, of the order appealed against:

(ii) Application if any for stay of operation of the impugned order accompanied by an affidavit and

(iii) as many copies of the memorandum of appeal and enclosures if any, as the number of respondents and one extra copy.

(iv) a fee of one hundred rupees.

(3) Every appeal shall be presented to the person authorised by the Appellate Authority to receive the same. Such person on presentation of appeal shall endorse on it the date of its receipt. He shall examine it to see if it is filed within the time prescribed under the rules and otherwise conforms to the provisions of Act and Rules.

(4) If the appeal is made after the expiry of the period of limitation, the authorised person shall place it before the Appellate Authority. If the Appellate Authority is satisfied that the applicant was prevented by sufficient cause from presenting the same within the said period he may admit the appeal. If the authorised person finds that proper fee payable has not been paid or that the papers presented to it are not in conformity with the provisions of the Act or the rules, he shall by notice require the appellant to rectify the defects within a period to be specified in such notice. If the defects are not rectified within the time allowed, the authorised person shall place the appeal before the Appellate Authority on the date fixed by the Government for which a notice is issued to the party, shall hear the appellant if present and pass orders directing the appeal to be registered or rejected. Where the appeal is rejected, it shall record the reasons for doing so.

(5) The operations of an order appealed against shall not be stayed by reason only of an appeal having been preferred against that order but where an application has been made the Appellate Authority may, for sufficient cause, order the stay of proceedings or operation of the impugned order.

(6) An emergent order of stay may be made by the Appellate Authority and in every such case notice shall be issued to the opposite party to show cause why the order shall not be made absolute. The opposite party may file objections if any, on or before the date of hearing of the matter. Appellate Authority shall after giving an opportunity to both the parties of being heard decide the matter.

(7) The notices issued to parties under these rules shall be served by personal delivery of a copy of the notice to the addressee or his agent after taking his signature on the original by way of acknowledgement or by registered post acknowledgement due. An acknowledgement containing the signature of the addressee or his agent or any endorsement by the postal authorities to the effect that the notice was refused by the addressee shall, unless the contrary is proved be deemed to be sufficient to hold that the notice was duly served.

(8) Where the Appellate Authority is satisfied that the addressee is evading service or that it is not practicable to serve the notice shall be affixed on its notice Board and another copy on the outer door or some other conspicuous part of the addressee's present or last known residence or place of business and at a conspicuous place in the village or town which he last resided or carried on business.

(9) Where the Appellate Authority directs services of notice otherwise than by post it may be sent for service to the subordinate authority within whose jurisdiction the party resides. such authority shall cause the notice to be served on the party and return the same to the Appellate Authority with an endorsement stating the time and the manner in which the notice was served and the name and address of the person if any, identifying the person served and witnessing the delivery or tender of the notice.

(10) After the case has been heard, the Appellate Authority shall pass order as it deems fit.

(11) A copy of the final order shall be sent to the appellant within thirty days from the date of order.

5. Application for Revision Under Section 131:- (1) Every application presented to the State Government under Section 131 shall be made within sixty days from date on which the decision order to which the application relates.

Provided that the State Government may, for good and sufficient reason to be recorded in writing condone the delay and admit the revision.

(2) Every such application shall be in writing and shall be accompanied by a fee of one hundred rupees. It shall set forth concisely the ground for revision and shall be accompanied by an authentic copy of the order or proceedings in respect of which the application is made. The application may be presented either in person or by an authorised agent or sent by registered post.

(3) The procedural prescribed for appeal under Rule 4 generally shall apply to revision application also.

(4) After perusal of the records the Government may take up the case in revision and issue notice to all the parties concerned who are likely to be affected, to appear before it, for showing cause why the order should not be varied or reversed on the appearance of such parties and other giving reasonable opportunity of representing their case the Government may proceed to pass such order as it deems fit.

6. Application for review Under Section 132:- (1) Every application under Section 132 shall be in writing and shall be accompanied by a fee of one hundred rupees. It shall set forth concisely the ground for revision and shall be accompanied by an authentic copy of the order or proceedings in respect of which the application is made. The application may be presented either in person or by an authorised agent or sent by registered post.

(2) The Government shall not admit the application unless it is prima facie satisfied that there are grounds for review when the review petition is admitted, it shall be decided after affording an opportunity to the parties to be heard.

7. The provisions of the Civil Procedure Code to be generally followed: In deciding any question relating to procedure not specifically provided for by these rules, the Appellate Authority, Revision Authority and the Review Authority shall as far as possible be guided by the provisions contained in the Code of Civil Procedure, 1908.

8. Correction of Clerical and arithmetical mistakes, etc:- Clerical or Arithmetical mistakes in any order or errors arising therein on account of any accidental slip or omission, may, at any time, be corrected by the authority passing the order on its own motion or on the application of any party:

Provided that no such correction shall be made without hearing the parties likely to be affected by such correction.

9. Repeal and Savings:- (1) The Karnataka Educational Institutions (Appellate Authority) Rules, 1998 is hereby repealed.

(2) Notwithstanding such repeal:-

(a) Every order made notification issued or anything done under the repealed rules before the date of commencement of these rules shall be deemed to have been validly done, issued or made under these rules;

(b) All proceedings pending before the Appellate Authority or other authority in revision or review shall be continued and disposed of by the said authority in accordance with the provision of this Act.

THE KARNATAKA EDUCATIONAL INSTITUTIONS (ENQUIRY AND SERVICE OF NOTICE ETC) RULES, 2001

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Rules

1. Title and commencement.....
2. Definition.....
Act.....
3. Procedure for Enquiry
4. Service of notice etc.....

Whereas the draft of the Karnataka Educational Institutions (Enquiry and Service of notice etc.) Rules 2001, was published as requested by Section 145 of the Education Act 1983 (Karnataka Act, 1 of 1995) in Notification No ED50 vivida 2001, dated 26-9-2001 in part IV-A of the Karnataka Gazette, Extraordinary, dated 27-9-2001 inviting objections and suggestions from the persons likely to be affected thereby.

And whereas the said Gazette was made available for the public on 27th September, 2001.

And whereas, no objection and suggestions have been received in this regard by the State Government.

Now, therefore, in exercise of the powers conferred by section 145 of the Karnataka Education Act 1983 (Karnataka Act, 1 of 1995) the Government of Karnataka makes the following Rules namely:-

1. Title and Commencement: (1) These rules may be called the Karnataka Educational Institutions (Enquiry and Service of notice etc.) Rules 2001,

(2) They shall come in to force at once.

2. Definition: In these rules, unless the context otherwise required "Act" Karnataka Education Act 1983 (Karnataka Act, 1 of 1995)

3. Procedure for Enquiry:- (1) Save as otherwise provided in the Act or the rules made thereunder, in an enquiry to be held for the purposes of the Act or the rules made thereunder, the Enquiry Officer appointed in this behalf by the competent authority shall record the evidence in full, in writing in Kannada or English. It shall be read over to the witness and admitted by him to be correct.

(2) The Enquiry Officer shall invariably record his reasons for findings in writing.

4. Service of notice etc.: Save as otherwise provided in the Act or rules made thereunder, service of notice order and other proceedings to be made by or under the Act shall be made by delivering a copy thereof to the person on whom it is to be served or to his authorised person. When such a person

cannot be found, service may be made on any adult member of his family residing with him. If no such adult member can be found, service may be effected by affixing a copy of the notice or order or other proceedings on the outer door or on some conspicuous part of the house in which the person ordinarily resides or carries on business.

(2) If service cannot be effected in any of the modes aforesaid or if the authority ordering the service so thinks fit, the notice or order or other proceedings shall be sent by registered post acknowledgment due to his last known address.

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(GRANT IN AID FOR PRIMARY, SECONDARY AND
PRE-UNIVERSITY EDUCATION INSTITUTIONS) RULES, 1998**

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Rules

1. Title and Commencement
2. Definition
3. Ineligibility of certain Private Education Institutions to get grant-in-aid

EDUCATION SECRETARIAT

No. ED 175 PMC 97

Karnataka Government Secretariat,
Multystoreyed Building
Bangalore, dated 7.9.1998

(As amended in Notification No. 2[ED 175 PMC 97 dated 29.12.98]2

Whereas the draft of the Karnataka Educational Institutions (Grant in Aid for Primary, Secondary and Pre-University Education Institutions) Rules, 1998 was published in exercise of the powers conferred by Subsection (1) of Section 49 of the Karnataka Education Act 1983 (Karnataka Act 1 of 1995) read with Section 145 of the said Act vide Notification No. ED 175 PMC 97 dated 23.7.1998 inviting objections and suggestion from any person or organisation likely to be affected, within 15 days from the date of its publication in the official Gazette.

And whereas the said Gazette was made available for the public on 23rd July 1998.

And whereas the objections and suggestions received in respect of said draft within the specified period have been considered by the State Government.

Now therefore in exercise of the powers conferred by the Sub section (1) of section 49 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) read with Section 145 of the said Act, the Government of Karnataka hereby makes the following rules namely :-

RULES

1. Title and Commencement : (1) These rules may be called the Karnataka Educational Institutions (Grant-in-Aid-for-Primary, Secondary and Pre-university Educational institutions) Rules, 1998.

(2) They shall be deemed to have come into force with effect from the First day of June, 1995.

2. Definition :- 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.

"2A Discontinuance of Maintenance Grant :- Notwithstanding anything contrary contained in the Grant-in-Aid Code applicable to Primary Schools, Grant-in-Aid Code applicable to Secondary Schools and Grant-in-Aid code applicable to Pre-University Educational Institutions and in any other order, rule, notification issued in this behalf in respect of the said Institutions, no maintenance grant shall be payable to such institutions after the coming into force of the Karnataka Educational Institutions (Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions) (Amendment) Rules, 2001 and no arrears with respect to maintenance grant shall be payable for the period prior to the coming into force of these rules if such maintenance grants have not been claimed".

3. Ineligibility of certain Private Education Institutions to get grant-in-aid :-
Notwithstanding anything contained in order No. ED 26 SEP 96, dated 8.2.1996 which is continued to be in force in accordance with section 146, all private educational institutions (including all private educational institutions run by Scheduled Caste and Scheduled Tribe) established or permitted to be so established on or after the First day of June 1987, “or such of those institutions Permitted to be establish Prior to the first day of June 1987, but started functioning from the Academic year 1987 - 88 and on wards” for imparting primary education, secondary education or Pre-university education shall be permanently ineligible for grant-in-aid.

By Order and in the Name of the
Governor of Karnataka,

(S. DIVAKAR)

Under Secretary to Government
Education Department

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(GRANT-IN-AID FOR PRIMARY, SECONDARY AND
PRE-UNIVERSITY EDUCATION INSTITUTIONS)
(AMENDMENT) RULES, 1998**

Contents

1. Title and Commencement
2. Amendment of Rule 3

EDUCATION SECRETARIAT

No ED 175 PMC 97

Karnataka Government secretariat,
Multy-storied Building
Bangalore, dated 29.12.98

NOTIFICATION

Whereas the draft Karnataka Education Institutions (Grant-in-aid for Primary, Secondary & Pre-University Education Institutions) Rules, 1998 was published as required by Section 145 of Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) in Notification No. ED 175 PMC 97 dated 7.11.98 in part IV 2c(i) of the Karnataka Gazette Extra ordinary dated 11.11.98 inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of the Publication of the draft in Official Gazette.

And Whereas the said Gazette was made available for the Public on 7.11.98.

And whereas the objections / Suggestions received in respect of said draft within the specified period have been considered by the State Government.

Now, therefore in exercise of the powers conferred by 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 and commencement : - (1) These rules may be called the Karnataka Educational Institutions (Grand-in-aid for Primary, Secondary and Pre-University Education Institutions) (Amendment) Rules, 1998.

(2) They shall be deemed to have come into force with effect from the seventh day of September, 1998.

2. Amendment of rule 3 : In rule 3 of the Karnataka Educational Institutional Institutions (Grant-in-aid of primary, Secondary and Pre-University Education Institutions) Rules, 1998, -

(i) for the words, letters and figures "ED 252 SEP 92, dated 7.4.1994" the words, Letters and figures "ED 26 SEP 96 dated 8.2.1996" shall be substituted.

(ii) after the words and figures "on or after the First day of June, 1987" the words and figures "or such of those institutions permitted to be established prior to the First day of June, 1987, but started functioning from the academic year 1987-88 and onwards" shall be inserted.

By Order and in the Name of the
Governor of Karnataka,

S. DIVAKAR

Under Secretary to Government
Education Department

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(GRANT-IN-AID FOR PRIMARY, SECONDARY AND PRE-UNIVERSITY EDUCATIONAL
INSTITUTIONS) (AMENDMENT) RULES, 2001
CONTENTS**

Rules

1. Title and Commencement
2. Insertion of new rule
- 2A. Discontinuance of Maintenance Grant

**EDUCATION SECRETARIAT
NOTIFICATION**

No. ED 16 ViVida 99, Bangalore, dated 20th August, 2001

Whereas the draft of the rules to amend the Karnataka Educational Institutions (Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions) Rules, 1998 was published in exercise of the powers conferred by sub-section (1) of Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), in Notification No. ED 16 Vivida 99 dated 28.5.2001 in part IV-A of the Karnataka Gazette Extraordinary dated 28.5.2001 inviting objections and suggestions from the persons likely to be effected thereby :

And whereas the said Gazette was made available to public on 28.5.2001.

And whereas no object and suggestions have been received in this regard by the State 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 makes the following rules namely:-

1. Title and Commencement :- (1) These rules may be called the Karnataka Educational Institutions (Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions) (Amendment) Rules, 2001.

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

2. Insertion of new rule :- After rule 2 of the Karnataka Educational Institutions (Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions), Rules, 1998 the following shall be inserted, namely:-

“2A. Discontinuance of Maintenance Grant : - Notwithstanding anything contrary contained in the Grant-in-Aid Code applicable to Primary Schools, Grant-in-Aid Code applicable to Secondary Schools and Grant-in-Aid code applicable to Pre-University Educational Institutions and in any other order, rule, notification issued in this behalf in respect of the said institutions, no maintenance grant shall be payable to such institutions after the coming into force of the Karnataka Educational Institutions Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions (Amendment) Rules, 2001 and no arrears with respect to maintenance grant shall be payable for the period prior to the coming into force of these rules if such maintenance grants have not been claimed.”

By Order and in the name of
the Governor of Karnataka
K.S. GOPALAKRISHNA
Under Secretary to Government
Education Department (General)

**EDUCATION SECRETARIAT
NOTIFICATION
No. ED 33Vivida, Bangalore, dated 26th MAY, 2003**

Whereas the draft of the rules to amend the Karnataka Educational Institutions (Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions) Rules, 2002 was published in exercise of the powers conferred by sub-section (1) of Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), in Notification No. ED 255 SEP 2002 dated 13.1.2003 in part IV-A of the Karnataka Gazette Extraordinary No 940, dated 24.1.2003 inviting objections and suggestions from the persons likely to be effected thereby :

And whereas the said Gazette was made available to public on 24.1.2003.

And whereas no object and suggestions have been received in this regard by the State 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 makes the following rules namely:-

RULES

1. Title and commencement : - (1) These rules may be called the Karnataka Educational Institutions (Grand-in-aid for Primary, Secondary and Pre-University Education Institutions) (First Amendment) Rules, 2003.

(2) They shall be deemed to have come into force with effect from the date of publication in the Official Gazette

2. Amendment of rule 3 : In rule 3 of the Karnataka Educational Institutional Institutions (Grant-in-aid of primary, Secondary and Pre-University Education Institutions) Rules, 2003, rule 3 the following the proviso, shall be inserted namely

“ Provided that nothing concerned in this rule shall be applicable to private Educational Institutions established between First Day of June 1987 and first day of April 1992 by the Managing Committee comprising an Individual or a body of individuals of which all are persons belonging to the Scheduled Caste or the Scheduled Tribes

By Order and in the Name of the Governor of Karnataka,

Sunder Raja Guptha
Under Secretary to Government
Education Department

EDUCATION SECRETARIAT
NOTIFICATION
No. ED 127SEP 2004, Bangalore, dated 24th March, 2004

The draft of the following rules to amend the Karnataka Educational Institutions (Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions) rules, 1998 which the Government of Karnataka proposes to make in exercise of the powers conferred by sub-section (1) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), is hereby published as required by sub-section (1) of section 145 for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication on the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above, will be considered by the State Government and suggestions may be addressed to the Principal Secretary to Government, Education Department (Primary and Secondary education) M.S. Building, Bangalore-560 001.

1. Title and Commencement :- (1) These rules may be called the Karnataka Educational Institutions (Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions) (Amendment) rules, 2004

(2) They shall be deemed to have come into force with effect from 26th day of May, 2003.

2. Amendment of Rule 3:- in rule 3 of the Karnataka Educational Institutions (Grant-in- Aid for Primary, Secondary and Pre-University Educational Institutions) rules, 1998, in the proviso, for the words "Private Educational Institutions" the words Private Educational Institutions imparting Primary Education and Secondary Education" shall be substituted.

By order and in the name of the Governor of Karnataka

Siddalingaiah
Under Secretary to Government
Education Department

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(GRANT-IN-AID FOR PRIMARY, SECONDARY AND PRE-UNIVERSITY EDUCATIONAL
INSTITUTIONS) (AMENDMENT) RULES, 2006
CONTENTS**

Rules

1. Title and Commencement
2. Amendment of Rule 3

**EDUCATION SECRETARIAT
NOTIFICATION**

No. ED 32SEP, Bangalore, dated 16 th SEPTEMBER, 2006

Whereas the draft of the rules to amend the Karnataka Educational Institutions (Grant-in-Aid for Primary, Secondary and Pre-University Educational Institutions) Rules, 2006 was published in exercise of the powers conferred by sub-section (1) of Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), in Notification No. ED 32 SEP dated 25.7.2006 in part IV-A of the Karnataka Gazette Extraordinary No 940, dated 25.7.2006 inviting objections and suggestions from the persons likely to be effected thereby :

And whereas the said Gazette was made available to public on 25.7.2006.

And whereas no object and suggestions have been received in this regard by the State 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 makes the following rules namely:-

RULES

1. Title and commencement : - (1) These rules may be called the Karnataka Educational Institutions (Grand-in-aid for Primary, Secondary and Pre-University Education Institutions) (Amendment) Rules, 2006.

(2) They shall be deemed to have come into force with effect from the date of publication in the Official Gazette

2. Amendment of rule 3 : In the Karnataka Educational Institutional Institutions (Grant-in-aid of primary, Secondary and Pre-University Education Institutions) Rules, 2006, -rule 3 for the prviso, for the words and figures “ First day of April, 1992” the words and figures “ First day of June, 1992, shall be substituted

By Order and in the Name of the
Governor of Karnataka,

SIDDALINGAIAH
Under Secretary to Government
Education Department

**THE KARNATAKA EDUCATIONAL PRIVATE AIDED
INSTITUTIONS
(PRE-PRIMARY EDUCATION EMPLOYEES' PENSION)
RULES, 1998**

Rules

1. Title and commencement
2. Definition
3. Eligibility for pension
4. Conditions for grant of Pension
5. Miscellaneous
6. Amendment of Karnataka State Aided School Employees Contributory Provident Fund, Insurance, Pension Rules

EDUCATION SECRETARIAT

No ED 113 PMC 98

Karnataka Government secretariat
Multystoried Building,
Bangalore, dated 19th December 1998

NOTIFICATION

Whereas the draft of the Karnataka Educational Private Aided Institutions (Pre-Primary Education Employees' Pension) Rules, 1998 was published as required by Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) in Notification No. ED 113 PMC 98 dated 9.11.98 in Part IV Section 2c(i) of the Karnataka Gazette Extra-ordinary dated 12.11.98 inviting objections and suggestions from all persons likely to be affected there by within fifteen days from the date of the publication of the draft in the Official Gazette.

And whereas the said Gazette was made available for the public on 9.11.1998.

And no objection / suggestions in this regard have been received by the State Government.

Now therefore in exercise of the powers conferred by 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 and commencement : (i) These rules may be called the Karnataka Educational private Aided Institutions (Pre-Primary Education Employees' Pension) Rules, 1998.

(ii) They shall come into from the date of publication in the Official Gazette.

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

"Pre-Primary Education' means informal education imparted in classes which are below first standard for children between the age of three and five years in institution vis. Pre-primary, Nursery or Kindergarten or by whatever name called.

3. Eligibility for pension :- (i) Subject to the provisions hereinafter contained, the employees of Pre-primary Educational Institutions receiving grants at the rate of twenty-five, fifty and seventy percent and established prior to 1.4.84 who have put in a continuous service for a period of not less than ten years without any break shall be entitled to a consolidated amount of pension at the rate of Rs. 380/- per month with effect from 26.7.94.

(ii) The actual service of the employee rendered shall be verified with reference to his service register or Baraward Register and Appointment Order approved by the concerned officers of the Commissioner of Public Instruction and recognised management of the Pre-primary Educational Institution or school.

(iii) The existing procedure for payment of consolidated pension of Rs. 380/- to the Pre-Primary school staff shall continue.

4. Conditions for grant of Pension :- Pension under these rules shall be paid subject to the following conditions, namely:-

(i) No Family Pension shall be paid after the person who was in receipt of pension under these rules has expired.

(ii) No pension shall be payable in respect of persons who are already in receipt of any kind of pension either from State Government or Central Government.

(iii) The consolidated amount of pension is payable during the life time of the employee. On the death of the pensioner, Pension shall lapse.

5. Miscellaneous :- (i) The concerned Educational Officer shall certify in every monthly drawal Bill amount claimed in this respect and also ensure the fulfillment of conditions specified in these rules.

(ii) The Education Officer shall maintain a register to see that there are no misuse of the fund.

6. Amendment of Karnataka State Aided School Employees Contributory Provident Fund, Insurance, Pension Rules. In rule 3 of the Karnataka State Aided School Employees Contributory Provident Fund Insurance Pension Rules annexed to Government Order No. ED 65 SES 62, dated 24.8.1963, clause (i) shall be omitted.

By Order and in the Name of the
Governor of Karnataka,

S. DIVAKAR
Under Secretary to Government
Education Department

**THE KARNATAKA EDUCATIONAL PRIVATE AIDED
INSTITUTIONS (PRE-PRIMARY EDUCATION EMPLOYEES'
PENSION) (AMENDMENT) RULES, 1999**

Whereas, the draft of the Karnataka Educational Private Aided Institutions (Pre-Primary Employees' Pension) Rules, 1998 was published as required by Section 145 of Karnataka Education Act, 1993 (Karnataka Act 1 of 1995) in Notification No. ED 151 PMC 95, dated 4.10.1999 in Part IV, Section 2c(i) of the Karnataka Gazette Extra-ordinary dated 5.10.1999 inviting objections and suggestions from all persons likely to be affected thereby within 30 days from the date of publication of the draft in the Official Gazette.

And whereas, the said Gazette was made available for the public on 6.10.1999.

And no objection / suggestions in this regard have been received by the State Government.

Now, therefore, in exercise of the powers conferred by Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby makes the following Rules namely:-

1. Title and commencement : (i) These rules may be called the Karnataka Educational private Aided Institutions (Pre-Primary Education Employees' Pension) (Amendment) Rules, 1999.

(2) They shall come into from the date of publication in the Official Gazette.

2. Amendment of Rule 1 :- In Rule 1 of the Karnataka Educational private Aided Institutions (Pre-Primary Education Employees' Pension) Rules, 1998 (hereinafter referred as the said rules), for the brackets and figures "(i) and (ii)" the brackets and figures "(1) and (2)" shall respectively be substituted.

3. Amendment of Rule 3 : In Rule 3 of the said Rules -

(i) for the brackets and figures "(i), (ii), (iii)", the brackets and figures "(1), (2), (3)" shall respectively be substituted.

(ii) in sub-rule (1) as so renumbered, for the figures "380" and "26-7-1994", the figures "500" and "9-8-1999" shall be deemed to have been substituted with effect from the 9th day of August 1999.

(iii) in sub-rule (3) as so renumbered, the word, letters and figures "of Rs. 380/-" shall be omitted.

4. Amendment of Rule 5 :- In Rule 5 of the said rules, for the brackets and figures "(i) and (ii)", the brackets and figures "(1) and (2)" shall respectively be substituted.

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(RECOGNITION OF PRIMARY AND
SECONDARY SCHOOLS) RULES, 1999**

CONTENTS

Rules

1. Title and commencement
2. Definitions
3. Procedure for recognition of registered educational institution –
4. Conditions to grant recognition to an Educational Institution
5. Provisional approval
6. Issue of certificate of recognition to existing educational institutions etc.
7. Grant of recognition used sub-section (2) of section 38 FORM – I
FORM – II
FORM – III
FORM – IV
FORM – V

**EDUCATION SECRETARIAT
NOTIFICATION**

No. ED 131 VIVIDA 98. Bangalore, Dated 04th November 1999.

Whereas the draft of the Karnataka Educational Institutions (Recognition of Primary and Secondary Schools) Rules 1999 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 131 Vivida 98, dated 24.08.1999 in Part IV – Section 2C (I) of the Karnataka Gazette Extraordinary dated 24th August 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 24th August 1999;

And whereas the objections and suggestions have been received in this regard by the State Government:

Now, therefore in exercise of the powers conferred by Sub-section 36 to 39 read with sub-section (1) of Section 145 of the Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995) the Government of Karnataka hereby makes the following rules, namely:-

1. Title and commencement : (1) These rules may be called the Karnataka Educational Institutions (Recognition of Primary and Secondary Schools) Rules, 1999.

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

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

(a) “Act” means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995).

(b) “Form” means a form appended to these rules.

(c) “Registered Institution” means an Educational Institution registered under the Act to run a Primary or Secondary School.

(d) “Section” means a section of the Act

(2) Words and expressions used in these rules but not defined shall have the same meaning assigned to them in the Act.

3. Procedure for recognition of registered educational institution : - (1) Every registered institution shall file an application for recognition in the month of July of the academic year in which the institution has been started but not later than 31st August, the competent authority.

The application shall be filed in triplicate and shall be in form-1. If the management fails to submit the proposal in the prescribed form within the time stipulated above, a notice shall be issued to such management directing to submit the proposal within a period of two weeks from the date of receipt of such notice, failing which the permission granted to the institution shall be withdrawn.

(2) The amount of security deposit shall be as specified in column (4) of the Table below for the class of Educational Institutions and standards specified in the corresponding entries in columns (2) and (3) thereof respectively.

TABLE

Sl. No.	Class of Educational Institutions	Standards governed	Value of Security Deposit
1.	Lower Primary School	I-IV	10,000/-
2.	Upper Primary School (Including Composite School)	V-VII	20,000/-
3.	Secondary School (Including composite school)	VIII-X	30,000/-

Provided that in respect of an Institution run by a management belonging to Scheduled Caste and Scheduled Tribe, Security deposit shall be fifty percent of the amount specified above.

(3) Every application seeking recognition shall be accompanied by a copy of the Security Deposit Certificate for the amount as specified in sub-rule (2). The Security Deposit certificate shall be in the term of a 'Fixed Deposits' deposited in the joint name of the receiving authority and the Secretary / President of the School Managing Committee, in a Nationalised Bank. The Management shall have the liberty to utilise the interest earned on the Security Deposit for the development of the institution. In case of default or closure of school, the department shall have the right to utilise the Security Deposit to clear any dues payable by the management towards staff on the department.

4. Conditions to grant recognition to an Educational Institution : - (1) The competent authority shall after verification, ensure and satisfy itself that every education institution seeking recognition, -

- (a) has a site registered in the name of the governing council or the managing committee of such educational institution, the area of which shall be sufficient to provide building and accommodation facilities specified in rules 4 and 5 of the Karnataka Educational Institutions (Classification, Registration and Perscription of curricula etc.) Rules, 1995 (hereinafter referred to as the 1995 rules).
- (b) has good building facility, sufficient accommodation with water, toilet and other facilities sufficient as specified in rules 4, 5, 6 and 8 of the 1995 rules;
- (c) has provided laboratory equipment, library books, sports materials, maps, charts and other teaching aids;
- (d) has provided the required staff as stipulated by the State Government from time to time;
- (e) has constituted the school managing committee or the governing council as the case may be in accordance with the provisions of Section 42;
- (b) the reasons for according provisional approval and the conditions which

- (f) has financial viability and has produced the required documents in this regard in accordance with the norms specified in rule 4 of the Karnataka Educational Institutions (Classification and Registration) Rules, 1997;
 - (g) has followed the admission and fee regulations and rules for the time being in force;
 - (h) has followed the norms relating to curricula, text books, medium of instruction, examination rules, working days, working hours, homework instruction, examination rules, working days, working hours, homework etc. In accordance with the rules 18, 19 and 20 of the 1995 rules;
 - (i) has kept the location of site and institution open and acceptable to all;
 - (j) has maintained all records and registers as required by the Act and rules made thereunder;
 - (k) has maintained a minimum strength of 40 students in respect of lower primary, 100 students in respect of upper primary schools and 25 students in each standard in respect of High schools.
- (2) Every registered educational institution seeking recognition shall give an undertaking to the effect that,-
- (a) it shall abide by all the provisions on the Act and the rules made thereunder;
 - (b) it shall spare the building and staff for the purpose of conduct of examinations, training programmes, census work and any other departmental work as and when they are required to do so;
 - (c) it shall be subject to the inspection by the department and abide by such instruction as may be issued by the department, from time to time;
 - (d) the educational institution shall be secular, attendance at religious instructions, if there be any; shall not be compulsory and such classes shall not be conducted during regular school hours;
 - (e) the institution shall provide all facilities required in the rules for the time being in force;
 - (f) the institution shall not make any claim for recognition on the basis of registration accorded;
 - (g) the institution shall abide by any other conditions that the competent authority may impose from time to time.
- (3) The recognition granted under section 36 shall be in form II and it shall contain, -
- (a) the name of the governing council in whose favour the recognition is granted;
 - (b) the class of institution for which recognition is granted lower primary, upper primary, secondary etc;
 - (c) the standards with number of sections for which the recognition is granted;
 - (d) the year or years for which the recognition is valid;
 - (e) the conditions to be fulfilled by the governing council and time specified for this, which in respect of school building and playground shall be three years from the date granting approval provisionally and one year in respect of other infrastructure facilities such as furniture, teaching aid etc;
 - (f) any other information as desired necessary by the competent authority.
- 5. Provisional approval :-** (1) The provisional approval granted under clause (b) of sub-section (6) of section 36 shall be in Form-III and it shall contain -
- (a) the name of the Governing council in whose favour the provisional approval is granted;

are not fulfilled.

- (c) the class of registered institution with the standards and number of sections for which the provisional approval is granted;
- (d) the time schedule within which the conditions are to be fulfilled;
- (e) whether the recognition has been granted with aid or without aid;
- (f) any other information as desired necessary by the competent authority.

(2) The provisional approval shall be valid only for the class of registered institution, the standards and sections and the year for which it is granted. The Governing council or the Managing Committee shall fulfill all the conditions laid down in the provisional approval and the rules for the time being in force within the time specified by the competent authority.

(3) The registered institution granted with provisional approval shall be given an opportunity to rectify the defects as pointed out in the inspection Report and fulfill all the conditions of recognition and submit a compliance report within a period of one month from the date of granting provisional approval. If the action taken by the management of the registered Institution is satisfactory and satisfied all the conditions of recognition, the Competent Authority shall issue a certificate of Recognition in Form-II. If the competent authority is not satisfied with the report, it may refuse to grant such certificate.

(4) Every such order refusing to grant a certificate shall indicate the reasons for such refusal and shall be communicated in writing to the Governing council. Such order of refusal shall contain instructions for transferring of stability fund certificate in favour of management and shall contain a direction to the jurisdictional Educational Officer concerned to make necessary alternate arrangements for admission of students in near by recognised school for the furthering of their education.

6. Issue of certificate of recognition to existing educational institutions etc. – (1)

Every educational institutions specified in clause (b) of sub-section (1) of section 38 shall file a statement in form IV before the competent authority within a period of six months from the date of coming into force of these rules.

(2) The statement shall be delivered in person in the office of the competent authority after obtaining acknowledgement or shall be sent by speed or registered post with acknowledgement due.

(3) The competent authority shall after satisfying itself issue a fresh certificate or recognition in Form V within sixty days from the date of filling the application.

7. Grand of recognition user sub-section (2) of section 38 :- (1)

Every Educational Institution seeking recognition under sub-section (2) of section 38 shall submit the application for recognition under these rules within sixty days from the date of coming into force of these rules.

(2) The procedure for filling of application, processing of application and grant of recognition or provisional approval or refusal shall be as stipulated in these rules.

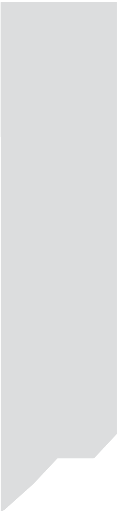
By Order and in the name of the
Governor of Karnataka,

H.S. Venkatesaiah
Under Secretary to Government
Education Department (General)

FORM1
(See Rule 3)
Application form Recognition of Primary / Secondary Schools

<p>1. Name of School (a) Composition of the school Boys / Girls / Co-education (b) Medium of Instruction</p>	
<p>2. Date of starting Working hours of the Schools</p>	
<p>3. Whether Registered under the Societies Registration Act (Furnish copy) Date :</p>	
<p>4. Name and Address of the Management Type of the Management Gen / minority / SC and ST</p>	
<p>5. List of Management Committee Members</p>	
<p>6. Name of the Secretary / Correspondent with full address Telephone : Fax :</p>	
<p>7. Whether the Management is running any other institutions, if so furnish the list</p>	
<p>8. Financial position of the Management (enclose audit report of the last three years) (a) furnish details of stability fund (b) furnish details of fees/ donations or any other amount collected</p>	
<p>9. Aided or unaided (if aided enclose a copy of the G.O.) (a) whether permitted by the Government</p>	

10.	If any subject or activity that is not included in the curricular is presented. If so details.				
11.	Class or classes to be recognised.				
	Nomenclature	No. of Pupils of the date of application in each class / section	Average attendance during the month		
	I				
	II				
	III				
	IV				
	V				
	VI				
	VII				
	VIII				
	If the additional sections have been sanctioned enclose copy of the order				
12.	Year of latest recognition obtained (enclose a copy)				
13.	Staff Particulars :				
Sl. No.	Name of the Teacher	Date of Birth	Qualification	Date of entry into service	Whether approved or not
1	2	3	4	5	6
14.	Accommodation (enclose copy)				
	a) Total area of the school building				
	(i) No. of rooms / size				
	(ii) Rented or own				
	b) Total area of playground				
	c) Toilet provided or not both for staff and students				
	d) Electricity facility available or not				
	e) Whether the special provision is made in the school building for disabled, children to				
15.	Drinking water facility – provided or not		Yes / No		

- 
16. Library
 - (a) No. of bookset
 - (b) Appointment value
 17. A.V. aids
Furnish the list
 18. Sports and Games
furnish the list
 19. Laboratory facilities Available / Not available
 20. Co-curricular activities provided
 21. Furnish Annual Public Examination results of the last three years
 22. Any unique features of the school
 - 23.

Note : (Enclose copies of relevant G.O's / records whether applicable)

Date :

Signature of the
Secretary / Correspondent
with seal

Place :

Form II

(See Sub-rule (a) of Rule 6)

Certified No.

Certified that (Specify here the name and address of the local authority, Society or trust as the case may be) Governing Council has been recognised under Section 36 of the Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995) on the day of one thousand nine hundred for the purpose of running the following class of educational institution at (Specify the place here).

1. Name of the Institution
2. Serial No.
3. Class of educational institution
4. Standards permitted
5. The academic year the standards are to be opened.
6. Medium of instruction permitted details of registration
7. Fees paid.

The educational institution is registered at Sl. No. at page No. of Volume No. of the register of educational institutions maintained in the office. The recognition certificate issued here is subject to conditions stipulated under.

1. The validity of the registration certificate shall be governed by the Rule 6.
2. That the governing council shall fulfill all the general conditions as stipulated in Rule 4 & 5.
3. The conditions to be fulfilled in respect of site, area building, equipment, staff, financial viability etc.
4. Any other condition specified by the authority.

Place:
Date :

Signature and Name & Designation
and Official seal of the registering
Authority

Form III

(See Rule 7)

Provisional approval of recognition

- (1) Registration No.
- (2) The name and address of the Governing Council and the School
- (3) The reason for according provisional approval
- (4) Conditions which are not fulfilled
- (5) Class of educational institutions
- (6) Standard permitted
- (7) The time in which the conditions are to be fulfilled.

The educational institutions is provisional approved of Sl.No. at Page No. of Volume No. of the recognitions of the Register of Educational Institutions maintained in this office to provisional approval certificate issued or subject to rectification of the conditions to be fulfilled. Any other conditions specified by the authority.

Form IV

(See Rule 8)

RECOGNITION OF EXISTING INSTITUTIONS

Form of application for recognition of existing educational institution

(Specify her the designation and address of Recognition Authority)

Sir,

FOR AND ON BEHALF OF (SPECIFY HERE THE NAME OF THE LOCAL AUTHORITY, TRUST OF SOCIETY, AS THE CASE MAY BE) THIS APPLICATION IS BEING SUBMITTED FOR RECOGNITION OF THE SAID INSTITUTION UNDER SECTION 38 OF THE KARNATAKA EDUCATIONAL ACT, 1983 (Karnataka Act No. 1 of 1995) FOR RECOGNITION OF AN EXISTING EDUCATIONAL INSTITUTION NAMEDLY.

(SPECIFY HERE NAMED AND ADDRESS OF THE EDUCATIONAL INSTITUTIONS)

PARTICULARS ARE AS FOLLOWS:

1. NAME LOCATION OF EXISTING EDUCATIONAL INSTITUTION :
2. NAME & ADDRESS AND NATURE OF THE LOCAL AUTHORITY, OR THE GOVERNING COUNCIL (ENCLOSED A COPY OF THE CERTIFICATE OF REGISTRATION, COPY OF THE MEMORANDUM OF ASSOCIATION ETC., OF THE SOCIETY, TRUST, ETC.) (SEE SECTION 2 (17) :
3. OBJECTIVES OF THE EDUCATIONAL INSTITUTION :
4. DETAILS OF THE COURSE BEING RUN

SL. NO.	NAME OF THE COURSE	INTAKE	RECOGNISING AUTHORITY	NO. AND DATE OF ORDER RECOGNISING THE COURSE	MEDIUM OF INSTITUTION

5. NO OF TEACHING STAFF AND NON-TEACHING STAFF EMPLOYED :

6. ANY OTHER INFORMATION THE APPLICATION WISHES TO FURNISH :

I REQUEST THAT RECOGNISING CERTIFICATE MAY PLEASE BE ISSUED.

CERTIFIED THAT THE INFORMATION FURNISHED ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PLACE :

SIGNATURE OF THE APPLICANT
WITH NAME & DESIGNATION
AND WITH OFFICIAL SEAL

DATE :

FORM V
(See Rule 9)
Recognition Order

XX

XX

XX

CERTIFICATE OF RECOGNITION

1. Registration No.
 2. Name and Address of the Educational Agency and the School
 3. Reference to provisional certificate so far enjoyed.
- x here specify the details
XX XX
x here specify the details

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(REGISTRATION AND RECOGNITION OF
COMMERCE INSTITUTE) RULES, 1999**

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**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(REGISTRATION AND RECOGNITION OF
COMMERCE INSTITUTE) RULES, 1999
EDUCATION SECRETARIAT
No. ED 114 Vivida 98, Bangalore, dated 04-11-1999**

NOTIFICATION

Whereas the draft of the Karnataka Educational Institutions (Registration and Recognition of Commerce Institutes) Rules 1999 was published in Notification No. ED 114 VIVIDA 98, dated 22.3.1999 in the Karnataka Gazette in Part IV Section 2C (I) of the Karnataka Gazette Extraordinary dated 30th March, 1999 inviting objection and suggestion from the persons likely to be affected thereby;

And whereas the said gazette was made available to the Public on 30-03-1999;

And whereas the objections and suggestions received in this regard have been duly considered by the State 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;

1. Title and commencement : (1) These rules may be called the Karnataka Educational Institutions Registration and Recognition of Commerce Institute) Rules, 1999.

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

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

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

(b) "Form" means forms appended to these rules;

(c) "Institute" means the Commerce Institute where education in Typewriting, Shorthand and other Commerce subjects is imparted;

(d) "Registering Authority" means the Joint Director of Public Instruction of the respective Divisions;

(e) "Section" means section of the Act.

3. Procedure of Registering of Institutes : (1) Every application for registering an Institute under section 31 shall be in form I and shall be filed before the registering authority, only in the month of October every academic year.

(2) Every such application shall be accompanied by a Registration Fee which shall be one thousand rupees in case of applicant belonging to the Scheduled Casters or the Scheduled Tribes and two thousand rupees in case of others, in the form of a Account Payee Demand Draft, drawn within one month before the date of application for registration, in favour of the Registering Authority. The demand draft shall be made payable at the Bank, located in the headquarters of the registration authority or in the surrounding locality.

(3) The registration fee once paid shall not be refunded where Registration is granted. Where registration is refused, the amount of the registration fee paid shall be refunded without interest to the applicant, through a cross cheque within three months from the date of refusal.

(4) The application shall furnish information regarding:-

(a) the exact location of starting the institute

(b) its full postal address;

(c) accommodation proposed to be provided;

(d) whether it has own building or rented building, along with necessary documents;

(e) Staff proposed to be appointed

- (f) funds at the disposal of the Management; and
- (g) such other information as may be specified by the Registering Authority.

4. Registration of New Institutes : (1) The Registering Authority shall, before issue of a Certificate of registration, satisfy itself that;

(a) there is an actual need for an Institute in the locality and there is no Institute within a distance to two kilometers from the proposed Institute in the case of rural areas, and one kilometer in the case of urban areas by the shortest public road;

(b) the proposed Institute is financially sound;

(c) the premises are well-lighted and ventilated with sufficient accommodation for conducting Typewriting, Shorthand and other subjects;

(d) the teaching Staff appointed are duly qualified as specified under rule 23.

(e) the application has enclosed a photocopy of the Khata certificate in case of own building, or a consent letter from the owner in case of rented building.

(2) The Registering Authority shall, 'within a period of three months from the date of receipt of the application, register the Institute and issue a Certificate or Registration in Form 2, if all the conditions specified for registration have been complied with. The certificate of Registration shall be sent to the applicant by Registered post.

(3) The Institute shall start functioning within two months from the date of receipt of Certificate of Registration, and the date of starting the Institute shall be intimated to the Registering Authority, within two months from the date of receipt of Certificate of Registration.

(4) The Registration Fee received under the sub-rule (2) shall be held in a fixed Deposit Account, opened in the name of the Registering Authority, in the nearest Nationalised Bank/ Scheduled Bank. The Registering Authority shall maintain the accounts in a register in respect of registration and registration fees received in Form-3.

(5) The refusal order shall indicate the grounds for such refusal and shall be in writing and communicated to the applicant.

5. Registration of an Existing Recognised Institute :- (1) For registration of a Institute referred to in Section 33 shall file a statement in Form 4 within six months from the date of commencement of these rules, or from the date of appointment of the registering authority whichever is later.

(2) No fee shall be payable for registration of an Institute under sub-rule (1).

(3) On being satisfied that the Institute is fit in all respects to be registered, the Registering Authority shall issue a certificate of Registration in Form 5, within a period of three months.

6. Form of Register of Institutes : The Registering Authority shall maintain a Register of registered Institutes in Form 6. Every such Register shall be firmly bound and given running Folio Number. On exhaustion of all the Folios, the date of such exhaustion shall be recorded by the Registering Authority on the first inner page.

7. Recognition of New Institutes : Every Registered Institute shall make an application in Form-7 to the competent authority along with a Fee of one hundred rupees by way of a Demand Draft, made payable to the Joint Director of Public Instruction of the respective Division, and seeking Recognition, within a period of two months from the date of starting the Institute.

8. Conditions for Recognition :- (1) Every Institute seeking Recognition shall-

(a) Pays a Security Deposit of One Thousand rupees through Demand Draft, made payable to the Joint Director of Public Instruction of the respective Division and enclosed to the application;

(b) Meet the conditions specified for teaching staff, accommodation, furniture, equipment, syllabi and reference books under these rules;

- (c) Make admissions in accordance with these rules;
- (d) Charge only such rate of fees as prescribed by the Department from time to time.
- (e) Does not undertake or allow job-typing within the premises of the Institute;
- (f) Maintain all records and reference facilities;
- (g) provide reading and reference facilities;
- (h) ensure that the principal and staff possess the qualifications prescribed for appointment
- (i) ensure that in the case of an institute in a town having a population of twenty-five thousand and above at least six type writers and in the case of an institute situated in places where population is less than twenty-five thousand, at least four typewriters are kept in good working condition at all times;
- (j) provide furniture of the following minimum dimensions:
Tables 27" wide x 30" height x 18" breadth / length
Stools 12" wide x 21" height x 12" breadth / length
- (k) provide all the reference / text books, teaching aids, equipment like black board, wall clocks, stopwatch, storage cabinet and a set of essential typewriter tools;
- (l) provide in respect of Shorthand classes, either desks, or tables and stools or chairs, if tables are provided, each student should have an independent table with a stool or chair. The institute should have Shorthand Dictionary, General Dictionary, Shorthand Charts and approved books;
- (m) provide in respect of theory subjects, desks or tables and stools or chairs
- (n) submit periodical statistical returns as on 31st December every year, in form-9 to the Competent Authority.
- (o) undertake to abide by the orders and instructions issued by the Department from time to time;
- (p) keep open the institute for visits and inspections by the officers of the Department not below the rank of the Assistant Director of Public Instruction (Commerce Education), unless it is specifically notified as exempt;
- (q) not teach a subject or grade for which it is not recognised without the previous permission of the Department; and
- (r) present candidates only for commerce Examination conducted by the Karnataka Secondary Education Examination Board.
- (2) The Institute which does not fulfill the conditions specified in sub-rule (1) may be approved provisionally for a period of three months in accordance with clause (b) of sub-section (6) of section 36. Such institute shall not admit fresh batch of students during the period of such provisional approval.
- (3) The Institute granted provisional approval shall be given an opportunity to rectify the defects as pointed out in the Inspection Report and fulfill all the conditions of Recognition and submit a compliance report within a period of one month from the date of granting provisional approval. If the action taken by the Management of the Institution is satisfactory and fulfils all the conditions of Recognition, issue a certificate of Registration in Form 8. If the competent authority is not for satisfied with the report, he may refuse to grant such certification.
- (4) Every order of grant or refusal of recognition passed under section 36 shall be communicated to the Registering Authority and to the applicant.

9. Recognition of Existing Institutes : (1) An Institute referred to the clause (a) of sub-section (1) of section 38 shall fulfil all the conditions of recognition, except that;-

(i) no such institute shall be required to pay the security deposit;
(ii) no fee shall be collected if it is a Government institute provided it complies with the provisions of the Act and the rules within a period of six month, and makes an application to the competent Authority in Form-7.

(2) All the Institutes which are established and recognised in accordance with rules in force immediately before the commencement of this Act and in existence at such commencement shall be deemed to be Educational Institutions established and recognised under this Act and the rules made thereunder.

(3) The Institute imparting Commerce Education, which is in existence at the commencement of this Act, but which has not been recognised in accordance with the rules in force immediately before such commencement shall discontinue to impart Commerce Education from such commencement unless within sixty days of such commencement, an application for recognition is made as per form-8 in accordance with the provisions of the Act and the rules made thereunder, and every such application shall be disposed of within sixty days of its receipt by the competent authority. No such Institute shall run after the application for its recognition is rejected.

10. Up-gradation of Institute : For the purpose of section 32, an Institute may make an application to the Registering Authority in Form -7 for grant of permission or up-gradation accompanied by a fee of fifty rupees only, and such application shall be made only in the month of October. The Certificate of Registration issued to such Institute shall be amended accordingly. The Institute shall apply for which permission has been granted. The Department shall grant recognition for such additional subject only, if the institute is already granted recognition for the other subjects.

11. Withdrawal of Recognition : - If an Institute which has been recognised or approved provisionally fails to fulfil one or more of the Competent Authority, such non-compliance shall be recorded in writing and communicated to the Institute to remedy the defects and submit compliance report to the Competent Authority within one month from the date of receipt of such communication. If such Institute fails to submit compliance report within the specified period or if the action taken by the Institute in remedying the defects, in the opinion of the Competent Authority, is unsatisfactory, the Management shall be asked to show cause as to why recognition should not be withdrawn. If the explanation offered by the Institute is not acceptable, the Competent Authority may withdraw the recognition granted to the said Institute by an order, which shall be communicated to the Institute by Registered Post.

12. Appeal : Any person may prefer an appeal under section 130 within a period of thirty days from the date of order made under these rules. For the purpose of this rule the Commissioner for Public Instruction shall be the appellate authority. The provisions of the Karnataka Educational Institutions (appeal, revisions and review) Rules 1998 shall apply *mutatis* and *mutandis*.

13. Admission : (1) Application for admission to the Institute shall be made in Form-10. A single application be issued for all the subjects together, in case a student seeks admission for all subjects at a time. Only one admission fee and one reading room fee shall be collected from such students. If the student takes up an additional subject during the term only admission fee shall be collected for the additional subject but not the reading room fee. A student desirous of joining the higher grade after passing the lower grade shall seek fresh admission.

(2) No Institute shall admit a student who has studied in another recognised Institute without production of the Transfer Certificate.

(3) No Institute shall be refused admission merely on the ground that he / she belongs to a particular community, religion, caste or creed.

14. Category of students : - Students of the Institute are categories as follows :

(a) School candidates : School candidates shall fulfil the following conditions namely:-

(i) Students who possess the minimum educational qualifications prescribed shall be admitted as school candidates. Only such students shall be eligible to take the examination conducted by the Karnataka Secondary Education Examination Board. Students who are on the rolls of the Institutes as on 15th February are eligible to take up examinations in the month of November of the same year and such of the students who are on the rolls as on 15th September are eligible to take up examinations in the month of May of the following year, provided their names appear in the list of school candidates submitted to the Karnataka Secondary Education Examination Board and also they have put in a minimum attendance of one hundred and eighty days from the date of admission up to the date of examination.

(ii) The minimum qualification for admission to the Junior Grade in Typewriting, Shorthand and other theory subjects shall be pass in S.S.L.C. or equivalent examination.

(iii) A student who has passed the Junior Grade Examination in English Shorthand or equivalent Examination and has put in an minimum of sixty working days of attendance from the date of admission up to the date of the examination, shall be eligible to appear for the intermediate Examination in English Shorthand at the immediate next examination.

(iv) A student who has passed the Junior Grade Examination in English Typewriting or Kannada Shorthand shall be eligible to appear for the Senior Grade Examination in the respective subject and language provided he / she has put in a minimum attendance of one hundred eighty days from the date of admission up to the date of examination.

(v) A student who has passed the Intermediate Grade Examination in English Shorthand and has put in a minimum attendance of sixty working days up to the date of the examination shall be eligible to appear for the Senior Grade Examination in English Shorthand, at the immediate next examination.

(vi) A student who has passed the Senior Grade Examination in English Typewriting or Kannada Typewriting or Kannada Typewriting or English Shorthand or Kannada Shorthand or equivalent examination and has put in a minimum of one hundred and eighty working days of attendance up to date of the examination shall be eligible to appear for the Proficiency Grade Examination in the respective subject and language.

(vii) A student who has passed the Junior Grade Examination in Theory Subjects, and has put in a minimum of one hundred and eighty working days of attendance up to the date of examination shall be eligible to appear for the Senior Grade Examination in the respective subjects.

(viii) The Examination in English Typewriting, Kannada Typewriting and Kannada Shorthand in Junior, Senior and proficiency Grades; in English Shorthand in Junior, Intermediate, Senior and Proficiency Grades, and in Theory Subjects in Junior and Senior Grade shall be held twice every year, i.e., in May / June and November / December.

(b) Practising Students : A student who does not possess the minimum prescribed educational qualification may be admitted to the Institute as a Practising Student. He shall not be eligible to appear for the Commerce Education until he is qualified in accordance with rules and has put in minimum term days after acquiring the minimum qualification.

(c) Repeaters : - A candidate who has once appeared for the Commerce Examination and failed at the examination shall be treated as Repeater for the respective subject and grade. A candidate who has completed term days and absent for the Examination may also be treated as a Repeater.

(d) Private Candidates : - The following classes of candidates shall be considered as Private Candidates. They need not put in the required term days for appearing for commerce

examinations. Candidates mentioned under (i) and (ii) below shall apply and obtain permission of the Karnataka Secondary Education Examination Board before the end of December for the next May / June Examination, and before the end of July for the November / December Examination.

(i) Candidates who have obtained prior permission of the Karnataka Secondary Education Examination Board to appear by private study, on the conditions laid down by the Karnataka Secondary Education Examination Board for time to time.

(ii) Teachers of Commerce Institute shall be eligible to appear for the Commerce Examinations as private candidates.

(e) candidates desiring Improvement in Results :- A candidates desirous of improving his / her result shall be eligible to appear for the Examination for the same subject and grade within two years from the date of announcement of result, after applying and obtaining necessary permission in writing from the Karnataka Secondary Education Examination Board.

(f) Candidates from other States :- In case of students from other States who wish to take up the Commerce Examination in this State at the higher grades, in the absence of any party of standards with other States, such candidates in all only be eligible to be admitted as school candidates, for the subject at the lowest level, irrespective of the Certificate they may have obtained in their native State.

15. Parity of Standards :- (1) The Diploma-in-Craftmanship in Stenography (English) awarded by the Directorate General of Employment, and Training Ministry of Labour and Employment Government of India is treated as equivalent to the Junior Shorthand and Junior Typewriting Examination in English.

(2) A pass in II year Diploma Examination in Commercial Practice conducted by the Board of Technical Education of Karnataka is equivalent to a pass in Junior Grade Examination in Typewriting and Shorthand of the Karnataka Secondary Education Examination Board in the respective language.

(3) A pass in III Year Diploma Examination in Commercial Practice conducted by the Board of Technical education of Karnataka is equivalent to a pass in Senior Grade Examination in Typewriting and Shorthand of the Karnataka Secondary Education Examination Board in the respective language.

(4) A pass in the Basic Examination of Secretarial Practice (English) of the Directorate General of Employment and Training, Ministry of Labour and Employment, Government of India, is equivalent to a pass in the Junior Grade Examination in English Typewriting and English Shorthand of the Karnataka Secondary Education Examination Board.

(5) A pass in the Advanced Examination of Secretarial Practice (English) of the Directorate, General of Employment and Training, Ministry of Labour and Employment, Government of India, is equivalent to a pass in the Senior Grade Examination in English Typewriting and English Shorthand of the Karnataka Secondary Education Examination Board.

(6) A pass in the II year B.A. (Secretarial Practice) Examination of the University of Mysore, is equivalent to a pass in Junior Grade Examination in English Typewriting and English Shorthand of the Karnataka Secondary Education Examination Board.

(7) A pass in the III year B.A. (Secretarial Practice) Examination of the University of Mysore, is equivalent to a pass in Senior Grade Examination in English Typewriting and English Shorthand of the Karnataka Secondary Education Examination Board.

16. Rustication of Students : (1) Students shall be rusticated for such period which shall not exceed one year by the Registering Authority in the following cases:

(a) Students who are found to have secured admission or attempted to secure admission by means of false or forged School Leaving Certificate or by false representation of any kind.

(b) Students who have been found guilty of misconduct.

(2) No Students shall be rusticated without giving an opportunity of being heard.

17. Fees for Transfer Certificate : No fees shall be charged for Transfer Certificate or Pass Certificate / Marks Card. A fee of Five Rupees may be charged for duplicate copy of the Transfer / Leaving Certificate.

18. Class Hours : - The duration of each class in Typewriting Shorthand and Theory subjects shall be forty-five minutes. The Institutes shall work six days in a week. The Institute shall notify the working hours, for information of the public.

19. Holidays and Vacations : The Institute shall observe all the General Holidays approved by the Department of Public Instruction. The Institute may observe, in addition, four days of holidays in a year, according to local needs, with due intimation to the Registering Authority. It shall also observe two vacations of one week duration each, one after the May / June examination and another after November / December examination each year.

20. Qualification of teaching staff : Following shall be the minimum qualifications for the teaching staff of the Institute-

(a) The Principal employed in the Institute shall have Passed at least Pre-University Course or equivalent examination and in addition, shall have passed Senior Grade Examination in Typewriting or Shorthand or equivalent examination, as the case may be.

(b) The Instructor employed in the Institute to teach Typewriting and Shorthand in Junior and Senior Grades shall have passed at-least Pre-University Course or equivalent examination and shall have passed Senior Grade Examination in Typewriting or Shorthand or equivalent examination in the respective language, as the case may be.

(c) The Instructor employed in the Institute to teach proficiency Grade Typewriting or Shorthand shall be a Graduate of a recognised University and shall have passed Senior Grade Examination in the respective subjects or a pass in the Pre-University Course or equivalent examination, and in addition shall have passed the Proficiency Grade Examination in Typewriting or Shorthand in the respective language, conducted by the Karnataka Secondary Education Examination Board.

(d) The Instructor for teaching Theory subjects shall have passed a Degree in Commerce of a recognised University, or any graduate with Diploma in Commerce awarded by the Karnataka Secondary Education Examination Board or equivalent Examination.

(2) The Principal and the Instructor employed in the Institute must have attained the age of eighteen years and not attained the age of sixty years.

(3) The management shall report to the Registering Authority all the appointments made within three months from the date of such appointments and the Registering Authority shall grant approval for such appointments, in accordance with the rules, within three months from the date of receipt of the application.

21. Instructor / Students Ratio : - The Instructor / Student Ratio in respect of typewriting and shorthand classes shall be 25:1, and in respect of theory subject 40:1.

22. Change in Management : (1) If the Management of a duly recognised Institute is inherited by a legal successor, it shall be deemed as no change in the Management. The Legal Successor shall duly intimate the change in the Management in Form-12 to the Registering Authority, with necessary documents, and shall obtain approval within three months from the date of change in the Management.

(2) If the Management of a recognised Institute is changed due to sale, and the Institute continues to be in the same building, it shall be deemed as change in the Management. The buyer shall intimate the change in the Form-12, with necessary documents, to the Registering Authority within three months from the date of purchase of the Institute and obtain approval

of the same. The buyer shall also give a declaration in writing to run the Institute in accordance with the rules, and instructions of the Department, issued from time to time.

(3) In case of change in the Management under sub-rule (1) and (2) the Institute is shifted to a different place, it shall be treated as a new institute. The Management of such institute shall seek fresh Registration and Recognition as per rules, within three months from the date of such change, and obtain approval from the Registering Authority.

23. Shifting of Institute : (1) A Recognised Institute should not be shifted from the permitted place to any place without obtaining prior permission by the Registering Authority. The Registering Authority after necessary verification of the new premises, with respect to its suitability to run the Institute, and if there is no violation of the conditions of the Registration and Recognition, approve such shifting.

(2) No Registered and Recognised Institute shall be permitted to shift from one town to another town, or one city to another city.

(4) The application for shifting the Institute shall be submitted in Form-12 to the Registering Authority.

24. Maintenance of Records : - (1) Every Recognised Institute shall maintain the following Registers and Records, namely:-

(a) **Admission Form File** :- The Application Form for Admission to the Institution shall be serially numbered and properly filled for each financial year separately, from 1st April to the 31st March of the next year. The files are to be preserved for at least Five years.

(b) **Admission Registers** :- Fresh Admission Numbers shall be assigned from 1st April every year. All the columns in the Admission Registers shall be properly filled and attested by the Head of the Institute every month. This shall be a permanent record.

(c) **Fee receipt** :- Printed Fee Receipt Books should be maintained in Form 14. It shall be serially numbered and shall have full details of the different kinds of fees collected. The carbon copy of the Fee Receipt should be preserved for at least Five years.

(d) **Fee Collection Register** :- All kinds of fees collected shall be entered in the Fee Collection Register. Monthly abstract of the fees collected shall be properly drawn. The Fee Collection Register shall be in Form-15 and shall be retained for at least Five years.

(e) **Cash Book** :- Daily receipts and payments shall be recorded in the Cash Book as per in Form – 16 and balanced every month. Cash Book shall be preserved for at least Five years.

(f) **Library and Reading Room Account** :- Library and Reading Room Fee collected shall be maintained separately and expenditure shall be accounted for. This shall be retained for at least five years.

(g) **Staff Attendance Register** :- Attendance Register of the Staff shall be maintained, irrespective of the number of staff. This shall be permanent record.

(h) **Students Attendance Register** :- The names of the students, in each subject and grade, shall be entered in the Attendance Register under separate serial numbers. Attendance shall be marked daily and initiated by the Instructor. The Students Attendance Register shall be retained for Five years.

(i) **Voucher File** :- Vouchers shall be obtained in respect of every payment made. They shall be kept from 1st April to 31st March every year, and shall be serially numbered and filed. Cross reference to voucher numbers shall be indicated in voucher column of the Cash Book. The Voucher's File shall be retained for at least Five years.

(j) **Acquittance Roll** :- Payment of honorarium shall be recorded in the Acquittance Roll, the signature of the receiver obtained and the disbursement certified. This shall be a permanent record.

(k) **Stock Registers** :- The stock of the assets of the Institute shall be classified and

recorded in the Stock Register with details of the items, date of purchase, invoice value, etc. as in Form-17. This shall be a permanent record.

(l) Transfer Certificate Book :- The Transfer Certificate Book shall be maintained in Form-11. This shall be a permanent record.

(m) Records of Periodical Tests :- Records of conduct of periodical tests and mechanism classes shall be maintained. This shall be retained for at least Five years.

(n) Admission Ticket, Marks Card and Certificate Issue Register :- Admission Ticket, Marks Card and Certificates issue Register shall be maintained. This shall be a permanent record.

(o) Follow-up Register :- Observations made and instructions issued by the Departmental Officers at the time of visits or inspections shall be recorded and action taken shall be noted and intimated to the Registering Authority.

(p) Examination Fees Collection Receipt :- The Receipt of Collection Examination Fees shall be in Form 18.

(2) The head of the Institute / Principaal shall be responsible for maintenance of accounts, records and registers.

25. Correspondence :- The Institute filling applications, letters, appeals etc. shall address to the concerned authorities, duly indicating the Registration number and date, if any, and applications, letters, appeals, etc., shall be personally delivered in the concerned office and due acknowledgement obtained, or shall be sent by registered post acknowledgement due.

26. The functions and the powers of the Board :- (1) The Board established for the Commerce Education under sub-section (4) of Section 10, shall have the following powers and functions namely:-

(a) To advise the State Government on the Co-ordinated development of Commerce Education in the State, and

(b) To advise on such other matters as may be entrusted by the State Government from time to time.

(2) The terms of appointment, terms of reference and other terms and conditions shall be specified in the Notification.

(3) The recommendations of the Board shall be made by a simple majority of the members present and voting. In case of equal division of votes, the Chairman of the Board shall have the right to exercise the casting vote.

(5) The Board will meet at least once in six months and will examine the need for affecting from time to time, modifications or changes in the conditions of Registration, recognition, etc. if necessary. The Board will examine the development of commerce Education and examination, its fee structure, demands of the Commerce Education Institutes Association of Karnataka, and such other matters as may be referred to it by the State Government

By Order and in the name of Governor of Karnataka

H.S. Venkatesaiah

Under Secretary to Government
Education Department (General)

FORM1
(See Rule 3)
Government of Karnataka
(Department of Public Instruction)
(Commerce Education)

Form of Application for Registering of New Commerce Institute
To
Specify here the Registering Authority
Sir,

Court fee Stamp of Rs. 10.00
should be affixed here

1. Name of the Applicant (in Block letter) Sri. / Smt. / Kum.
Name of the father (in Block letters)
And Full Address Door No.
Cross / Main / Street /
Locality / Block / Stage / Phase with PIN
code Taluk
District
2. Name of the proposed Institute
3. Whether he / she is a Government /
Quasi / Government Servant?
If yes, permission letter obtained from
his / her Employer to run the Institute
should be enclosed.
4. His / Her Qualifications
General
Technical / Commercial
5. Management and its constitution
(individual proprietorship / Registered
Society / Partnership)
SC / ST / Minorities / Others
6. Exact location of the proposed
commerce institute Door No.
Cross, Main, Street
Locality / Block
Stage / Phase
Place with PIN code
Taluk
District
7. Whether proposed building is own or rented?
If it is own building, attested copy of
Khata certificate enclosed.

If it is rented building, consent letter from the landlord to spare the building to run the commerce institute enclosed

8. Staff proposed to be appointed (Whether full-time or part-time) shall be indicated
9. His / Her financial capacity to start the Institute
10. Proposed subjects and grades
11. Whether he / she is able to provide all equipment as per Rules?
12. Number of existing Commerce Institutes in the locality (Distance from the proposed institute to the existing institute documentary proof to be enclosed)
13. Whether he / she has enclosed the demand draft being the Registration Fee?

Demand Draft
Name of the
Bank Issuing
Office No.
Amount Date

I, Sri / Smt. / Kum. hereby declare that the information furnished above are true to the best of my knowledge, and I agree to follow the rules and of the Department, if Registration is granted to run the Institute.

Place :

Date :

- Enclosures :
1. Permission letter Employer
 2. Attested copy of Khata Certificate
 3. Consent letter from landlord
 4. Distance Certificate
 5. Demand Draft / Bank's Cheque

FORM 2
(See Rule 4 (2))
GOVERNMENT OF KARNATAKA
(Department of Public Instruction)
(Commerce Education)

Office of the.....
Certificate No..... Date

Certificate of Registration (Commerce Education)

Certified that

..... (Full address of the person / Management) has been registered under section 31 of the Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995) this day the (month and year) for the purpose of running a commerce institute at

(detailed address of the institute with PIN code)

1. Serial No.
2. Registration fee paid Rs.
3. Type of Institution : SC /ST or Minority / Others
4. Subjects and grades for which permission is accorded;

The commerce Institute is registered at Sl.No. AT page No. of Volume No. of the Register of Registered Commerce Institutions Maintained in this office. The Certificate of Registration issued herein is subject to conditions stipulated under rule 4(1) or under any provision of the Commerce Education Rules, 1998 as amended from time to time.

The registration granted is subject to withdrawal at any time in case of any of the conditions of registration are violated.

Signature Name and description and Office
Seal of the Registering Authority

Place
Date

<p style="text-align: center;">FORM 3 (See Rule 4 (4)) Name and Address of the Institute Office of the Joint Director of Public Instruction Division REGISTER OF REGISTRATION FEE, SECURITY FEE AND RECOGNITION FEE</p>									
Sl. No.	Date	Name of Applicant (Person or management shall be specified person, father's name shall be specified) with full postal address	Nature of management individual / Partnership / Society / Trust	Nature of payment Regn. Fee Security Fee Recognition Fee	Amount	Bank name and addr.	DD No. and date	Remarks	Signature of the Registering Authority

(One Sheet for each Institute)

FORM 4

(See Rule 5)

Government of Karnataka

(Information against all columns to be furnished in full failing which the application is able to be rejected)

To
(Specify here the designation and address
of the Registering Authority)

Sir,

For and behalf of the Management of / For and on behalf of parnters / on my own behalf

..... this application is being submitted
for registration of the said Institution under Section 33 of the Karnataka Education Act, 1983
(Karnataka Act No. 1 of 1995) for registration of an existing recognised commerce Institution,
namely

Particulars are as follows:

1. Name and address of the existing recognised Commerce Institution
2. Nature of the Management :
 - a) Individual propritorship
 - b) Partnership
 - c) Society / Trust(Attested copy of permission letter / Partnership Deed / Memorandum of Association / Trust Deed enclosed)
3. Details of Subjects and grades for which recognition has been granted
4. No. and date of the order giving recognition and the authority (Attested copy enclosed)
5. Nature of the recognition temporary / Permanent
6. KSEEB Institute Code Number
7. Number of teaching staff and non-teaching staff employed (details enclosed)
8. Any other Information the applicant wished to furnish

I request that a Registration Certificate may please be issued. Certified that the information furnished above is true and correct to the best of my knowledge and belife.

Yours faithfully,

Place :

Date :

Signature, Name and Designation of the applicant seal of the Institute

Enclosures :

1. Attested copy of certificate of Registration of Trust / Management
2. Attested copy of Memorandum of Association of Trust / Management
3. Attested copy of Certificate of Recognition
4. Details of teaching and non-teaching staff

FORM 5
(See Rule 5 (3))
CERTIFICATE OF REGISTRATION
FOR RECOGNISED COMMERCE INSTITUTION
EXISTING AT THE COMMENCEMENT OF THE ACT

SL. No.

Certified that

.....

has been running the following courses at the commencement of the Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995)

1. KSEEB Institute Code
2. Subjects, Grades and intake
3. Name and Address of the Registering Authority
4. Recognition Order Number and Date
5. Nature of recognition : Temporary / permanent
6. Security amount paid Rs.
(DD / Banker's Cheque No.
Dated).

This Certificate is issued this day of
..... of one thousand nine hundred

This Commerce Institution is registered at Sl. No. of page No.
..... of Volume No. of Register of Recognised Commerce
Institutions maintained in this office.

The Certificate of Registration is issued in accordance with section 33 of the Karnataka Education Act 1983 (Karnataka Act No. 1 of 1995) and rule 5 of the Karnataka Educational Institutions (Registration and Recognition of Commerce Institutes) Rules, 1998, and is subject to withdrawal for violation of any of the conditions.

Place :

Signature, Name and Designation

Date:

of the Registering Authority Official Seal

Enclosures :

1. Attested copy of certificate of Registration of Trust / Management
2. Attested copy of Memorandum of Association of Trust / Management
3. Attested copy of Certificate of Recognition
4. Details of teaching and non-teaching staff

FORM 6
(See Rule 6)

Office of the Joint Director of Public Instruction Division

REGISTER OF REGISTERED COMMERCE INSTITUTES

Sl. No.	Name of Application with full postal address	Name and address of the Institute (full postal address)	Whether Institute belongs to SC/ST or Minority or Others	Registration No. and Date	Recognition No. and Date	Subject / grade for which recognition is granted	Nature of recognition temporary / permanent	Remarks	Signature of the Registering Authority
1	2	3	4	5	6	7	8	9	10

FORM 7
(See Rule (7, 8, 9, 10, 11))

**FORM OF APPLICATION FOR RECOGNITION OF
COMMERCE INSTITUTES**

(Note : Information against all columns to be furnished in full
Failing which the application is liable to be rejected)

Fresh Recognition for the year	
Provisional approval of existing recognition Permanent Recognition	Registration Number
UPGRADATION	KSEEB Institute Code

1. Name of Institute (in Block Letter)
2. Location Door No. Cross / Main / Street Locality / Block / Stage / Phase Place, pin code, Taluk District
3. Registration Number and Date and the Registering Authority (Copy of the Certificate of Registration enclosed)
4. Date of Establishment
5. Date of Fresh Recognition Date of renewal of Recognition (Copy of Certificate of Recognition enclosed)
6. KSEEB Institute code
7. Society, Association or person owning the institute attested copy of the Bye-laws or Trust Deed or partnership Deed enclosed
8. Person authorised to correspond with the Department (consent or Authority letter by the owner of the Institute enclosed)
9. Financial position of the Institute (Permanent Fund and other sources of income approximate annual income and expenditure)
10. Subjects and grades for which recognition is sought

- | | | |
|-----|---|--|
| 11. | Number of candidates on the roll as on | Subject Grade Number |
| 12. | Accommodation available
(Number of rooms to be specified) | |
| 13. | Details to Typewriters furniture
and other equipment | |
| 14. | Working Hours of the Institute | |
| 15. | If Library is provided the number of
books in the Library | General Professional |
| 16. | Rates of Fees levied | |
| 17. | Details of the Records and
Registers maintained | |
| 18. | Whether the Demand Draft in respect
of Security deposit and Recognition
Fee is enclosed | Name of Bank Place
of Issue No.
Date Amount |
| 19. | Remarks | |

DECLARATION

Sri./Smt./Kum. on behalf of the Management of the Institution, hereby declare that the information furnished above are true and correct to the best of my knowledge and belief and I agree to abide by all the rules laid down in the conditions of Recognition of Commerce Institutes.

The Management also agrees to the condition that the Institution once recognised temporarily or permanently shall not be closed down abruptly at any time. In case of closer of the institute, the institute shall obtain.

The permission of the Department. In case the Institute is closed without obtaining previous permission for closure from the Registering Authority, the security deposit may be forfeited.

Place :

Date :

Signature of the Head of the
Institute / Management

- Enclosures :
1. Copy of Certificate of Registration
 2. Copy of Certificate of Recognition
 3. Attested copy of the Bye laws of Trust Deed of Partnership Deed
 4. Consent letter by the owner of the Institute
 5. DD / Banker's Cheque

FORM 8
(See Rule 8 (3))

Office of the

Date
No

CERTIFICATE OF RECOGNITION

Certified that
(Full Address of the person / Management)
..... has been registered
under section 36 of Karnataka Education Act 1983 (Karnataka Act No. 1 of 1995) this
day the
..... (Month and year) for the purpose of running a Commerce Institute name
..... at
.....
(detailed address of the Institute with PIN code)

1. Serial No.
2. Registration No. Dated
3. Recognition fees paid :
Rs.
4. Nature of Recognition : Temporary / permanent
5. Type of Institution: SC / ST / Minority / Others
6. Security Deposit paid : Rs.
7. Subjects and Grades for which recognition is granted

The Commerce Institute is registered at Sl. No. at page No.
..... of Volume No. of the Register of Recognised Commerce
Institutes maintained in this office. The Certificate of Recognition issued herein is subject to
conditions stipulated under rule 9 of the Commerce Registration and recognition of Rules 1998,
as amended from time to time.

The recognition granted is subject to withdrawal at any time in case any of the conditions
of recognitions are violated.

Signature with name and Designation of the
Registering Authority with Official Seal.

**STATISTICAL RETURN FOR THE YEAR ENDING
FROM 1ST JANUARY TO 31ST DECEMBER**

FORM 9
(See Rule 8 (2))

STATISTICAL RETURNS

Name and Address
of the Commerce Institute

To:

**STATISTICAL RETURN FOR THE YEAR ENDING
FROM 1ST JANUARY TO 31ST DECEMBER**

1	Name of the Institution	
2	Address of the Door No. Institution Cross / Main / Street Locality / Block / Stage / Phase Place with PIN Taluk District	
3	KSEEB Institution Code	
4	Date of Establishment	
5	Registration Number and Date (Copy of Order enclosed)	
6	Recognition number and Date (copy of order enclosed)	
7	Name of the owner / Management (if run by Management, bye-law copy enclosed)	
8	Subjects taught 1. 2. 3. 4. 5. 6. 7. 8.	Grade No of students on roll

9. Details of students	SC ST Other Total Boys Girls
10. Principal / Instruction / Staff 1. 2. 3. 4. 5.	Total
11. Typewriters	
12. Own Building or Rented building Furniture and other equipment	Kannada English Total
13. (Details to be furnished)	1. Tables 2. Chairs 3. Stools 4. Desks 5. Benches 6. 7. 8. 9.
14. Financial Position of the Institution	1. Total Receipts 2. Total Payment
15. Whether the Institute is getting any financial aid from the State Government / Central Government or from any other sources, If yes give full details and enclose order copy	Balance
16. Remarks	

The information furnished above are true and correct to the best of my knowledge.

Place :

Date :

Signature of the Principal / Owner /
Seal of the Institute

Enclosures :

1. Copy of Certificate of Registration
 2. Copy of Certificate of Recognition
 3. Copy of Bye-Law of Trust / management
 4. Copy of order of financial aid
- Financial Position of the Institution

FORM 10
(See Rule 11)
APPLICATION FOR ADMISSION
TO THE COMMERCE EDUCATIONAL INSTITUTION

Name of the Institute and Address :

1. Name of the applicant (in Block letter)
2. Father's Name
3. Residential Address
4. Sex
5. Date of Birth (in figures and in words)
6. Occupation and income of
 - (a) Father
 - (b) Guardian
 - (c) Applicant
7. (a) Nationality and Religion
(b) Whether He / She belongs to SC / ST Reg. No. Year of passing
8. Educational Qualifications
 - (a) General
 - (b) Commercial
9. Last Commerce Institute attended
10. Whether leaving certificate attached
11. Subjects / Grades for which admission in sought

I hereby declare that the information furnished above are true and correct. I shall abide by the rules, regulations and instructions of the Department issued from time to time.

Place :

Date :

Signature of applicant

Admission No.

Date

Signature of Principal
Seal of the Institute

FORM 11
[See Rule 13 (2) and 23 (1)]

TRANSFER CERTIFICATE

Name and Address of the Commerce Institute

Institute Code :

Registration No.

T.C. No.

Date :

1. (a) Name of the Candidate
(in Block Letter)
(b) Sex
2. Father's Name
3. Date of Birth
(in words and figures)
4. Admission No. and Date
5. (a) Whether he / she paid the fees up to date
(b) Whether he /she has returned
library books
6. Subject and grade in which the candidate
was studying at the time of leaving
7. No. of working days and number of days
actually attended by the student on the
date of leaving.
8. Last date attended the class
9. Sl. No. in the list of students sent to the
Department as on 15th February / 15th
September
- Sl. No.
List as on 15th
February / 15th September
10. Date of application for Transfer Certificate
11. Date of issue of Transfer Certificate
12. Character and Conduct
13. Remarks

Place :

Date :

Signature of the Principal
Seal of the Institute

FORM 12
(See Rule 21)
**APPLICATION FOR CHANGE OF MANAGEMENT OF
REGISTERED/RECOGNISED COMMERCE EDUCATIONAL
INSTITUTION**

From,
To

The Joint Director of Public Instruction
.....Division

Sir,

I hereby furnish the details regarding change of management of the Institute. I request you to kindly consider and approve and communicate the same at an early date.

1. Name and address of the Registered
Commerce Institution
2. KSEEB Institute Code
3. Registration Number and Date
(Copy enclosed)
4. Particulars of Management as registered
(Attested copy enclosed)
5. Particulars of Management as modified
(Attested copy enclosed)
6. Reasons for change of management
(Certified copies of necessary documents
such as will, death certificate, sale deed etc.,
enclosed)
7. Date of change
8. Person authorised to correspond with the
Department (Consent of Authority Letter by
the owner of the Institute enclosed)
9. Consent letter from the landlord to rent
out the building to the new owner enclosed
10. Any other particulars

DECLARATION

I Sri/Smt./Kum. on behalf of the
Management of the Institution hereby declare that the
information furnished above are true and correct to the best of my knowledge and belief, and
I agree to abide by the rules and regulations laid down in the Conditions of Recognition of
Commerce Institutions.

Yours faithfully,

Place :

Date :

Signature of the Owner / Management
Seal of the Institute

Enclosures :

1. Copy of Certificate of Registration
2. Copy of Particulars of Management as registered
3. Copy of Particulars of Management modified
4. Certified copy of Will/ Death Certificate / Sale Deed
5. Consent letter from the Management
6. Consent letter from the landlord

(NOTE : The institution should submit application to the concerned authority within three months from the date of change of management. Failure to do so will attract action as per rule 412.)

FORM 13
(See Rule 22)

**APPLICATION FOR SHIFTING OF MANAGEMENT OF
REGISTERED COMMERCE EDUCATIONAL INSTITUTION**

Note : Information against all columns to be furnished in full
failing which the application is liable to be rejected)

From,

To

The Joint Director of Public Instruction

.....Division

.....

Sir,

I hereby furnish the details regarding shifting of management of the Institute. I request you to kindly consider and approve and communicate the same at an early date.

1. Name and of the Institution
2. Permitted Location (Copy enclosed)
3. KSEEB Institution Code
4. Registration Number and date (Copy enclosed)
5. Date of Establishment
6. Recognition Order number and date (Copy enclosed)
7. Nature of recognition
8. Details of proposed location (full address shall be given)

9. Whether the proposed building own or rented. If it is own building certified copy of khata certificate enclosed. If rented building, consent letter from the landlord agreeing to rent out the building to run the institute enclosed.
10. Reasons for the proposed shifting
11. Whether it is shifting first time or shifted early. If shifted previously, copy of order obtained from the Department approving the shifting enclosed
12. Distance by shortest public road to the nearest existing recognised Commerce Institutions (Distance Certificate enclosed)
13. Any objections from nearby recognised Commerce Institutions
14. Remarks

Yours faithfully,

Place :

Date :

Signature of the Applicant
Seal of the Institute

- Enclosures :
1. Copy of Certificate of Registration
 2. Copy of Certificate of Recognition
 3. Certified Copy of Khata Certificate
 4. Consent letter from landlord
 5. Distance Certificate

FORM 14
(See Rule 23 (c))

Name of Institution

with Address

KSEEB Institute Code

Fee Collection Receipt

No.

Date

Name of the Student

Subject

Grade

Month

1.	Application Fees	
2.	Admission Fees	
3.	Reading Room Fees	
4.	Monthly Fees	
5.	Fine	
6.	Re-admission Fees	
7.		

Total :

Place :

Signature of Principal / Instructor

FORM 15

(See Rule 23 (d))

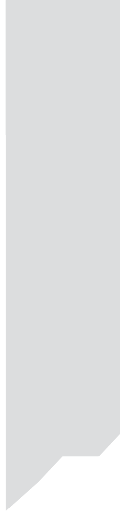
**NAME AND ADDRESS OF THE INSTITUTE :
FEE COLLECTION REGISTER FOR THE MONTH OF**

Sl. No.	Name of the Candidate	Subject	Grade	Apmn Fees	Admn Fees	R.R Fees	Monthly Fees	Read mission	Fine	Arrears	Total	Rt. No.	Date	Re- marks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

ABSTRACT OF FEE COLLECTION DURING THE MONTH OF

Application Fees
 Admission Fees
 Reading Room fees
 Monthly Fees
 Fine
 Re-admission Fees
 Arrears
 Total

Signature of the Principal



FORM 16
(See Rule 23 (e))

Name of the Institution and Address

CASHBOOK

Dr.				Cr.
To	Receipt	Rs. Rs.	By Payment	Rs. Rs.
	Balance B/f		Balance B/f.	
	Excess of Expenditure over income contributed by the Management		Excess of Income over expenditure Transferred to Management A/c.	
	Total		Total	

Signature of the Principal

--	--

FORM 17
(See Rule 23 (K))

STOCK REGISTER

Name of the Institution							
Sl. No.	Name of the goods and its number	Quantity (if number given, mention the number also)	Date of Purchase	Voucher Number and Date	Cost	From whom it was purchased and address to be noted)	Remarks
1	2	3	4	5	6	7	8

FORM 18
(See Rule 23 (P))

Name of the Institution with Address
KSEEB Institution Code :

EXAMINATION FEE COLLECTION RECEIPT

No.
Name of the Student

Date

Subject

Grade

Month

1.	Application Fees	
2.	Marks Card Fees	
3.	Examination Fees Subject Grade	
4.	Fine	
5.	Mechanism Fees	
6.	Machine Hire	
7.	Furniture Hire	
8.	Transport Charges	
	Total :	

Place :

Signature of Principal / Instructor

**DIPLOMA IN COMMERCE AND DIPLOMA IN
STENOGRAPHY**

Candidates who pass in the Senior Grade Examination in the following subject will be eligible for award Diploma in Commerce :

Compulsory Subjects :

1. Book – Keeping and Accountancy
2. Elements of Commerce
3. Office Practice and Procedure

Any one of the Elective Subjects :

- (a) Salesmanship and Marketing; or
- (b) Banking Practice : or
- (c) Insurance Practice

Candidates who pass in the Senior Grade Examination in the following subjects will be eligible for award of Diploma in Stenography (English)

- English Typewriting
- English Shorthand
- Office Practice and Procedure

Candidates who pass in the Senior Grade Examination in the following subjects will be eligible for award of Diploma in Stenography (Kannada)

- Kannada Typewriting
- Kannada Shorthand
- Kacheri Adalitha

SCHEDULE OF CLASS FEES :

Grade	Application Fees (Per Student)	Admission Fees (per Student)	Reading Room Fee (Per Student)	Re-admission Fee (Per Student)	Monthly Fee (Per Student)	Fine (Per Subject)
	Rs. 5.00	Rs. 10.00	Rs. 10.00	Rs. 1.00		No fine up to 10 th of the month
Junior					Rs. 35.00	If Fees paid from 11 th to 15 th Rs. 2.00
Intermediate					Rs. 40.00	From 16 th to the end of the month Rs. 5.00
Senior					Rs. 40.00	(If 10 th or 15 th holidays the next working day to be considered)
Proficiency					Rs. 55.00	

(Note : Monthly fees shall have to be paid on or before the 10th of every month)

SCHEDULE OF EXAMINATION FEES :

All Subjects	Application fees per Subject / Grade	Marks Card Fees per Subject / Grade	Examination Fees per Subjects @	Mechanism Fees (for Eng. / Kan Typewriting)	Typewriter Hire (for Eng. / Kan Typewriting)	Furniture Hire (for Eng / Kan typewriting)	Transportation on charges (for Eng / Kan Typewriting)
	Rs. 5.00	Rs. 5.00					
Junior Grade			Rs. 30.00	Rs. 40.00	Rs. 40.00	Rs. 15.00	Rs. 10.00
Intermediate Grade			Rs. 35.00				
Senior Grade			Rs. 35.00	Rs. 40.00	Rs. 40.00	Rs. 15.00	Rs. 10.00
Proficiency Grade			Rs. 50.00	Rs. 40.00	Rs. 40.00	Rs. 15.00	Rs. 10.00

@ SC/ST Candidates are exempted from payment of Examination Fees.

Repeaters are exempted from payment of Mechanism Fees + Only for English Shorthand

DURATION OF CLASSES : 45 Minutes a Day, Six Days a Week.

FRESHHIP: The Management of the Institute may grant freeships and half-freeships up to 10% of the total strength of Institute after due intimation to and approval of the Registering Authority.

SCHEME OF EXAMINATIONS:

Sl. No.	Name of the Subject	Grade	I Paper	II Paper	III Paper
1	Typewriting English / Kannada	Junior Senior Proficiency	15 min. 15 min. 15 min.	90 min 90 min 90 min	- - 30 min (for both examiners)
2	Shorthand English Shorthand Kannada	Junior Intermediate Senior Proficiency	Dictation : 10 min Transcription : 90 min Dictation : 10 min Transcription : 105 min Dictation : 10 min Transcription : 120 min Dictation : 7 min Transcription : 105 min	120 min 120 min Dictation : 5 min Transcription : 120 min Dictation : 5 min Transcription : 180 min	- - 120 min Dictation : 10 min Condensation : min
3			Dictation : 10 min Transcription : 90 min Dictation : 10 min Transcription : 120 min Dictation : 7 min Transcription : 105 min	90 min Dictation : 5 min Transcription : 120 min Dictation : 5 min Transcription : 180 min	- 150 min Dictation : 10 min Condensation : 90 min

4	Kacheri Adalitha (Kannada)	Junior Senior	150 min 150 min	- -	- -
5	Office Practice & Procedure	Junior Senior	150 min 150 min	- -	- -
6	Book-keeping & Accountancy	Junior Senior	150 min 150 min	150 min 150 min	- -
7	Elements of Commerce	Junior Senior	150 min 150 min	150 min 150 min	- -
8	Electives : Salesmanship and Marketing, or, . Banking Practice Insurance Practice	Junior Senior	150 min 150 min	- -	- -

MAXIMUM MARKS: Maximum Marks for each paper shall be 100, 75% and above First Class, 60% and above up to 76% Second Class, 45% and above up to 60% pass class minimum 35% and aggregate 45%.

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(RECRUITMENT AND TERMS AND CONDITIONS OF
SERVICE OF EMPLOYEES IN PRIVATE AIDED PRIMARY
AND SECONDARY EDUCATIONAL INSTITUTIONS)
RULES, 1999.
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2. Definition
3. Qualification and conditions of service of employees
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**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(RECRUITMENT AND TERMS AND CONDITIONS OF SERVICE OF
EMPLOYEES IN PRIVATE AIDED PRIMARY AND SECONDARY
EDUCATIONAL INSTITUTIONS) RULES, 1999.
(As amended by Notification NO. ED 64 Vivida 2000 dated 31-1-2001)
EDUCATION SECRETARIAT
No. ED 52 ViViDa 99, Bangalore, dated 2-2-2000
NOTIFICATION**

Whereas the draft of the Karnataka Education Institutions (Terms and Conditions of service of employees in Private Educational Institutions) Rules, 1999, was published as required by sub section (I) of section 145 of the Karnataka Education Act 1983 (Karnataka Act 1 of 1995) in Notification No. ED 52 ViViDa 99, dated 10.12.99 in Part-IV-2 (c) (i) of the Karnataka Gazette Extraordinary dated 10.12.99, inviting objections and suggestions from the persons likely to be affected thereby.

Whereas the said gazette was made available to the public on 10.12.99.

And whereas the objections and suggestions received in this regard have been considered by the Government.

Now therefore, in exercise of the powers conferred by Section 87 to 101 read with section 145 of the Karnataka Education Act, 1983, (Karnataka Act 1 of 1995) the Government of Karnataka hereby makes the following rules, namely-

1. Title, Application and Commencement : - (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) Rules, 1999.

(2) These rules shall apply to the Primary and Secondary Educational Institutions receiving grant-in-aid.

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

2. Definition : (1) In these rules unless the context otherwise requires –

(a) ‘Act’ means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995)

(b) ‘Annexure’ means an annexure appended to these rules.

(c) ‘Appointing Authority’ means

(i) in respect of all the employees of the aided Primary and Secondary Educational Institution, other than the Head of the Institution, the Managing Committee of the Institution.

(ii) in respect of the Head of the Institution, the Governing Council.

(d) ‘Disciplinary Authority’ means the Managing Committee or as the case may be, the Governing Council.

(e) ‘Form’ means a form appended to these rules.

(f) ‘Head of the Department’ means –

(i) the Commissioner of Public Instruction

(ii) the Director of Public Instruction (Secondary) in respect of Secondary Schools.

(iii) the Director of Public Instruction (Primary) in respect of Primary Schools.

(g) ‘Institution’ means a Private Aided Primary or Secondary Educational Institution.

(h) ‘Local body’ means a duly constituted Zilla Panchayat, Taluk Panchayat, Grama Panchayat or Municipal Corporation or Municipal Council or a Town Panchayat or any other body notified by the Government from time to time as a local body for purposes of grant-in-aid under these Rules.

(i) ‘Section’ means a section of the Act.

(2) Words used but not defined in these rules shall have the meaning assigned to them

in the Act or as the case may be in the Karnataka Civil Services Rules or the rules made or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990).

3. Qualification and conditions of service of employees : - (1) Subject to the other provisions in these rules :

(a) The categories of posts, the staffing pattern and the qualifications for recruitment to posts in an Institution shall be as specified in Annexure III, IV and V. In respect of employees other than teachers, the prescribed qualifications of recruitment, etc. in institutions shall be the same as those applicable for the corresponding category of employees in Government Educational Institutions. The procedure for selection of candidates to posts identified for recruitment shall be as specified in Annexure-I and the procedure for filling up of the post of Head Master and Head Mistrees schools shall be specified in Annexure VI.

(b) Subject to the financial capacity of the State Government the salary of employees in respect of posts admitted into aid in recognised private educational institutions receiving aid from the State Government shall generally be the same as those applicable for the corresponding category of employees in government educational institutions as per orders issued by the State Government in respect of this category of employees from time to time.

Provided that no employees of an aided Institution shall be entitled to the benefits enumerated in Annexure – II.

(c) Subject to the financial capacity of the State Government pensionary benefits is admissible to aided employees of aided institution as per the provisions of Tribble Benefit Scheme Rules and gratuity is admissible as per the orders issued by the government from time to time.

Provided that in respect of employees appointed prior to 1.1.86, pension and gratuity is admissible if management contribution of 3% is paid up to the period of 4.9.86.

(2) The State Government may vary the qualification, method of recruitment and conditions of service from time to time.

4. Age : No employee who is not within the age limit prescribed for recruitment to the corresponding posts in government educational institutions shall be eligible for appointment to any post in any Institution.

5. Schedule of employment : (a) Every private educational institution shall maintain a schedule of employment as per seniority indicating therein the name, qualification, scale of pay and other particulars in respect of each employees, in Form – 1.

(c) In case the management is running more than one institution the schedule of employment shall be maintained management wise also as per seniority and roster.

6. Constitution of Selection Committee : For the purpose of recruitment to teaching and non-teaching posts, other than the post of head of the institution, to an institution, the Managing Committee shall constitute a “selection committee” consisting of :-

(i) the president of the Head of the Managing Committee or his nominee;

(ii) the Competent Authority or his nominee other than in institutions to which minority status is given by the government.

(iii) The Head of the Institution

(iv) An educationist or an expert in the subject to which recruitment is to be made, selected by the Governing Council.

CHAPTER II
SERVICE CONDITIONS IN RESPECT OF EMPLOYEES OF
AIDED INSTITUTIONS

7. Period of probation :- A person appointed under these rules shall be on probation for a period of two years.

Provided that the appointing authority may for the reasons to be recorded in writing extend the period of probation by further period of six months.

8. Seniority : (a) The Managing Committee shall cause to be prepared and maintained every year a separate seniority list of employees for each category of posts in the institution.

(b) In case the managing committee is running more than one institution, the managing committee shall cause to be prepared a common seniority list for all the institution under its control.

9. Resignation : An employee appointed under these rules may resign from service by giving one month's notice in writing in Form I to the Governing Council or surrendering one month's salary in lieu thereof. A copy of such notice shall be sent to the competent authority or a person, or an authority authorised by him for verifying the contents of the resignation notice and forward it to the Governing Council for acceptance, if the resignation is found to be voluntary. The Governing Council shall not accept the resignation until the notice is forwarded to it by the competent authority.

Provided that the employee who has submitted resignation may withdraw the same if he so desires within the intended period of resignation or before resignation is accepted whichever is earlier.

10. Retrenchment of employees: (1) An employee in an Institution may be retrenched by the Governing Council on the following grounds :

- (a) Where the teacher pupil ratio falls below the Standard staffing pattern specified in Annexure IV and V as the case may be.
- (b) Due to changes relating to curriculum or student strength the work load of a teacher in a particular subject does not warrant his continuation in a particular institution.
- (c) Closure of school due to lack of infrastructural facilities, dispute within the management or between management and teachers or any other reasons which may be recorded in writing.
- (d) The employees does not possess the required educational qualification.
- (e) Where the competent authority or the Government deletes the post from salary grant for the reasons to be recorded in writing.
- (f) For any of the above or for any other reason as the Government may deem fit which may be recorded in writing.

(2) The procedure to be followed by the Governing Council for retrenchment of an employee of a Institution shall be as follows :

- (a) no employee of an Institution whose appointment has been approved with aid by the Department shall be retrenched by a Governing Council except for reasons specified in sub-rule (1) or section 98 of the Karnataka Education Act 1983.
- (b) Where retrenchment is due to the employees becoming surplus, the junior most employee in terms of seniority list maintained in accordance with the rule 8 in the particular cadre and subject, shall be retrenched.
- (c) A notice shall be issued to the employees proposed to be retrenched stating the reasons in writing for such retrenchment, giving the employee an opportunity to submit his written statement of objection if any within

- fifteen days from the receipt of such notice.
- (d) On receipt of the written objection received from the employee, he shall be afforded an opportunity to explain his stand in person if such request has been made by him/her in the written statement.
 - (e) The Governing Council shall on the basis of grounds so established send proposals to the competent authority.
 - (f) The Competent Authority shall on receipt of the proposal verify the same and after ascertaining the facts, that:-
 - (i) the reason stated in the proposal are in conformity with the reasons stated in sub-rule (1);
 - (ii) that the employee is junior most as per the seniority list maintained by the management in the particular subject and cadre;
 - (iii) accord approval to the Governing Council to retrench the employee so proposed by giving one month's notice or one month's salary in lieu of the same.
 - (g) The Competent Authority shall thereafter withdraw salary grant in respect of such excess / retrenched staff.

(3) If the Governing Council does not send the proposal, in accordance with clause (e) of sub-rule (2) the Competent Authority may give directions to the Governing Council to send proposals within a period of one month, failing which salary grants in respect of the entire institution shall be withdrawn forthwith.

11. Procedure to be followed by Competent Authority under section 98 :- (1) The Competent Authority may either suo motu after personally ascertaining facts or on the report of one of the subordinate officers initiate action to retrench an employee by following as far as may be the procedure under rule 10 and pass an order giving necessary directions to the Governing Council after having fully satisfied that retrenchment is called for due to any one or more of the reasons specified in rule 10 or section 98.

(2) The Competent Authority shall cause a list of all eligible and qualified retrenched employees to be maintained at the State level. The list of teachers shall be prepared subject-wise and cadre-wise, the list shall be prepared on the basis of seniority, taking the date of approval of appointment with aid as the basis. The details of category of reservation and roster of such an employee shall also be recorded.

(3) The competent Authority shall submit periodically and every time an employee is retrenched, the details of such retrenchment to the head of the department.

(4) The Competent Authority shall also submit the vacancy position in respect of each of the institution, district-wise, category-wise and in case of teachers subject-wise with details of roster to the head of the department.

(5) The Competent Authority shall publish periodically during every quarter the details of candidates enlisted as per sub-rule (1).

(6) On receipt of the vacancy position, the Government or Competent Authority shall without prejudice to initiating action under sub-rule (1) allot through computerized counselling, the retrenched employee on the basis of seniority and after taking into consideration the subject requirement and reservation and roster point, to any other institution where a regular sanctioned vacancy exists and direct the concerned management to issue appointment order to such candidates and direct such candidates to report for duty in the said institution.

Provided that in all cases where no person is available in the reservation category and roster as per the requirement of the institution, then the senior-most candidate irrespective of reservation and roster shall be allotted.

Provided further that no recruitment shall be made by any aided institution, until the list of retrenched teachers are exhausted.

Provided also that the retrenched employee so appointed in the new institution will get seniority in the new institution from the date of joining the institution. However, the services rendered in the earlier institution will count for pay, leave and pensionary benefits.

Provided also further that the retrenched employee who is allotted to a new institution shall not be entitled to any compensation provided under the Act.

Provided also that,-

(i) the excess teachers so identified in Minority Educational Institutions under these rules, shall be allotted as per sub-rule (6) of rule 11; and

(ii) the eligible excess teachers identified in other Aided Non-Minority Educational Institutions shall be allotted against sanctioned Aided posts that are vacant in the Aided Minority Institutions in accordance with rule 10".

12. Transfer of employees from one aided institution to another aided institution :

(i) Transfer of an employee can be permitted by the competent authority subject to the following conditions :

(a) that there is need for the post so vacant in accordance with subject, strength and attendance.

(b) that the vacancy so proposed for transfer is a clear vacancy and is in accordance with the staffing pattern.

(c) the management has clearly mentioned the nature and cause of vacancy supported by facts'.

(d) that an employee receiving salary grant from Government earlier is proposed for transfer in the place of another employee post which is also included in salary grant and no employee occupying a post receiving salary grant is proposed for transfer to an unaided post.

(e) that consent of both the management is there.

(2) The competent authority may grant permission to transfer in the following cases :

(a) in the case of a request by the management or the employee for a transfer within the institutions of the same management;

(b) in the case of request by management or the employee for a transfer to an institution of different management, with the consent of both the management.

Provided that in case of request by the management or the employee for a transfer within the schools of the same management or request by an employee for a transfer to an institution belonging to a different management, the head of the department may accord permission for the same, subject to the condition that in respect transfer involving different management the employee earns the seniority in the concerned institution from the date of reporting for duty in the new institution. However, his service in the previous aided institution will count for the purpose of salary, leave and pensionary benefits. In all other cases of transfer effected within the same management the services in the previous institution shall count for seniority in the new institution and his service in the previous institution of the same management shall count for salary, leave and pensionary benefits. Transfer orders of the employees within the institution of the same management or different management shall be issued only by Director of Public Instruction (Primary) in respect of Primary and the Director of Public Instruction (Secondary) in respect of the Secondary Schools.

13. Closure of Institutions :- (1) Institutions not having the prescribed students strength among other factors shall be ordered to be closed down by the competent authority.

(2) Where an institution is so ordered to be closed, the teaching and non-teaching staff working in such institution, shall be retrenched in the manner specified in rules 10 and 11.

(3) Students undergoing course of study in such institutions shall be accommodated in other institutions located nearby the closed institution, as the competent authority may be order direct.

CHAPTER-III DISCIPLINE

14. Nature of Penalties :- One or more of the following penalties for good and sufficient reasons and as hereinafter provided may be imposed on the employees namely:-

- (i) fine
- (ii) censure;
- (iii) withholding of increments;
- (iv) withholding of promotions;
- (v) recovery from pay of the employees in whole or part of any pecuniary loss caused by negligence or breach of orders to the governing council, the state government or the central government.
- (vi) reduction to a lower stage in a time scale of pay for a specified period with further direction as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- (vii) reduction to a lower time scale of pay, grade, post of service which shall unless otherwise directed, be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced with or without further directions regarding;
 - (a) seniority and pay in the scale of pay, grade, post or service to which the employee is reduced;
 - (b) conditions of restoration to the scale of pay grade of post of service from which the employee was reduced and his seniority and pay or such restoration to the scale of pay, grade, post or service.
- (viii) compulsory retirement;
- (ix) removal from service
- (x) dismissal from service;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of disciplinary authority, no penalty other than those specified in clause (viii) to (x) shall be imposed for any established charge of corruption.

Provided further that every order of private management receiving aid from government keeping employees admitted to grant-in-aid under suspension from service, etc., shall be confirmed by the competent authority who has approved the appointment.

Explanation : The following shall not amount to be penalty within the meaning of this rule :

- (i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the rules or order governing the service or post or terms of his appointment
- (ii) stoppage of pay of the employee at the efficiency bar in the time scale on the ground of his unfitness to cross the efficiency bar;
- (iii) non-promotion, whether in a substantive or officiating capacity of an employee after consideration of his case to a grade or post for promotion to

- which he is eligible;
- (iv) reversion to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation
- (v) compulsory retirement of an employee in accordance with the provision relating to superannuation or retirement;
- (vi) termination of services;
 - (a) of an employee appointed for three months or less;
 - (b) of a person employed under an agreement in accordance with the terms of such agreement
- (vii) Retrenchment of an employee

15. Disciplinary authorities : (1) The Disciplinary Authority may impose, any of the penalties specified in rule 14 on any employee.

(2) Without prejudice to the provision of sub-rule (1) the head of the institution may impose any of the penalties specified in clauses (i) and (ii) of rule 14.

16. Suspension : (1) The appointing authority may place an employee under suspension under the following circumstances and conditions:-

- (a) (i) a disciplinary proceeding against an employee is pending; or
- (ii) a case against an employee in respect of any criminal offence is under investigation or court trial; or
- (iv) a preliminary inquiry against an employee has made out a “prima facie” case which would justify disciplinary proceeding or criminal prosecution against him and the proceedings are likely to end in his conviction and or dismissal or removal from service; and
- (b) the disciplinary proceeding or criminal offences involves one or more of the following misdemeanour:-

- (i) moral turpitude;
- (ii) corruption, embezzlement or misappropriation;
- (iii) negligence and dereliction of duty resulting in considerable pecuniary loss to the institution
- (iv) desertion of duty;
- (v) refusal or deliberate failure to carry out written orders of superior authority; Competent Authority.

(2) Any employee shall be deemed to have been placed under suspension by an order of the appointing authority.

- (a) with effect from the date of his detention, if he is detained in custody whether on criminal charge or otherwise, for a period exceeding forty-eight hours;
- (b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

(3) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal or removal or compulsory retirement from service

imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal or compulsory retirement and shall continue to remain under suspension until further orders.	
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(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made on or is deemed to have made the order or by any authority to which that authority is subordinate.

17. Subsistence allowance during suspension : - (1) Every employee placed under suspension shall be entitled to the following payment, namely:

(a) Subsistence allowance at an amount equivalent to fifty percent of the pay drawn immediately prior to the date of suspension.

Provided that where the period of suspension exceeds six months, the employee shall be entitled to subsistence allowance equivalent to seventy-five percent of the pay drawn immediately prior to the date of suspension subject to conditions contained in sub-rule (6) :

Provided further that when an employee is convicted by a competent court and sentenced to imprisonment, no subsistence allowance shall be payable.

(2) Where an employee who has been dismissed or removed or compulsory retired or suspended is reinstated or would have been reinstated but for his retirement on superannuation while under suspension, the authority competent to order the reinstatement shall consider and make a specific order.

(a) regarding the pay and allowance to be paid to the employee for the period of his absence from duty or for the period of suspension ending with the date of retirement of superannuation, as the case may be; and

(b) whether or not the said period shall be treated as the period spent on duty.

(3) Where such competent authority holds that the employee has been fully exonerated, the employee shall be given the full pay to which he would have been entitled had he not been dismissed or removed from service and the period of absence from duty shall be treated as a period spent on duty for all purposes.

(4) In other cases, the employee shall be given such proportion of such pay and allowance, as the competent authority may prescribe and the period of absence from duty shall not be treated as period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that the payment of allowance under sub-rule (2) or (3) shall not be less than subsistence allowance and other allowance admissible under rules.

(5) Where on the conclusion of the inquiry against an employee placed under suspension, the authority competent to impose any punishment :-

(i) makes an order fully exonerating or acquitting him, the period during which he was

under suspension pending the enquiry shall be entitled to full pay and allowance as if he had not been under suspension;

(ii) makes an order imposing penalty other than the penalty of compulsory retirement from service or dismissal from service, the employee shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in his discretion specify and where no such proportion is specified, the employee shall be entitled to subsistence allowance admissible under these rules and the period of suspension shall count as duty unless the said authority has otherwise directed.

(iii) makes an order imposing the penalty of compulsory retirement from service or dismissal or removal shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in its discretion specify and where on such proportion is specified, the subsistence allowance admissible under these rules and the period of suspension shall not count as duty for any purpose unless the said authority has otherwise directed.

(6) The subsistence allowance under these rules and consequential amount to be paid under sub-rule (5) shall be paid from the management from its own funds, except in respect of employees working in aided posts where the suspension is approved by the competent authority.

Provided further that the disciplinary authority shall complete the enquiry within a period of 6 months. In cases, where enquiry other than in criminal cases continue beyond 6 months, management is liable to pay subsistence allowance.

Provided further that the delay in enquiry beyond six months is attributable to the employee the subsistence allowance may be restricted to 50% or below as deemed fit by the disciplinary authority.

18. Leave while under suspension : - (1) Leave of absence for a definite period is not admissible to an employee who has been suspended from duty and without obtaining the permission of the authority competent to fill up the appointment, an employee under suspension should not leave the station where his office is situated.

(2) No payment of subsistence allowance shall be made unless the employee continues to reside in the station where his office is situated or in the station in which he is permitted by the authority which made or which is deemed to have made the order of suspension.

19. Authority to Institute proceedings :- (1) The Managing Committee may impose on the employee any of the penalties specified in clauses (1) to (vii) of the rule 14 except after:-

(a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehavior on which it is proposed to be taken and giving him a reasonable opportunity for making such representation as he may make against the proposals; and

(b) such representation or explanation, if any, is considered by the Head of the Institution as the case may be;

(2) The record or proceeding in all cases should be a "speaking order".

20. Procedure for imposing minor penalties : (1) No order imposed on any employee of any of the penalties specified in clauses (i) to (v) of rules 14 shall be made except after:-

(a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehaviour on which it is Proposed to be taken and giving him a reasonable opportunity making such representation as he may make against the proposal; and

(b) such representation or explanation, if any is considered by the Board of Management, Manager or the Head of the Institution as the case may be.

(2) The record of proceeding in such cases shall include.

(i) a copy of the intimation to the employees of the proposal to take action against him.

(ii) a copy of the statement of imputations of misconduct or misbehaviour communicated to him;

(iii) his / her representations if any;

(iv) the evidence produced during the inquiry, if any;

(v) the finding on each imputation of misconduct or misbehaviour; and

(vi) the orders on the case together with reasons therefor.

21. Procedure for imposing major penalties :- (1) No order imposing any of penalties specified in clauses (iii) to (ix) of rule 14 shall be made except after an inquiry is held, in the manner provided in these rules.

(2) Wherever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior or breach of any provision of the code of conduct specified in Chapter – IV against an employee, it may itself inquire into, or appoint an enquiry officer or an enquiry committee consisting of more than one or more persons.

(3) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, which shall include a statement of allegations on which they are based shall be communicated in writing to the employee and he shall be required to submit within such time as may be specified by the enquiry committee, a written statement of his defence and also to state whether he desires to be heard in person.

(4) The employee shall for the purpose of preparing defence be permitted to inspect and take extracts from such records as he may specify:

Provided that such permission may be refused if the record for reasons to be recorded are not relevant for the purpose and it is against the interest of the institution to allow his access thereto.

(5) On receipt of the statement of defence in writing by the employee or if no such statement is received within the time specified, the enquiry committee shall proceed with the enquiry.

(6) The disciplinary authority may nominate any person to present its case before the enquiry committee. The employee may present his case with the assistance of any other person approved by the enquiry committee, but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority to present its case as a legal practitioner or the inquiry committee having regard to the circumstances of the case so permits.

(7) The inquiry committee shall, in the course of the inquiry, consider such documentary evidence and take such other evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross examine the employee and the witnesses examined in his defence. If the inquiry committee declines to examine any witness on the ground, that his evidence is not relevant or material, it shall record its reasons in writing.

(8) At the conclusion of the inquiry, the inquiry committee shall prepare a report of the inquiry, record its findings on each of the charges together with the reason thereon. If in the opinion of the inquiry committee, original charges differ from those framed, it may record findings on such charges;

- (g) Accepting contribution or raising collection without previous sanction of the management.
- (h) Bringing or attempt to bring political or other influence for furtherance of his own interest;
- (i) Accepting any gift except a causal meal, lift or other social hospitality. However, on social occasions a gift could be accepted if its value is less than Rs. 100/- or on other occasions, if it is less than Rs. 250/-.
- (j) Giving, taking or abetting the giving or taking of dowry;
- (k) Engaging in any private trade or employment;
- (l) Writing or editing any text book while being a member of the Textbook Committee
- (m) Speculating in stock, share or investment;
- (n) Becoming insolvent and / or getting into habitual indebtedness;
- (o) Non-submission of Annual Assets and Liability Returns;
- (p) Acquisition, disposal of movable or immovable properties without previous sanction of management or entering into any transaction with any foreigner or foreign organisation / Government for acquisition and disposal of property;
- (q) Acting as a legal guardian of minor other than his dependant without the previous sanction of management;
- (r) Contracting another marriage without obtaining permission of the management or entering into a bigamous marriage against the personal law of employee;
- (s) Consumption of intoxicating drugs or drinks.

CHAPTER – V

LEAVERULES

26. General Rules : - (1) The leave rules applicable to both teaching and non-teaching staff in Government Educational Institutions shall mutatis-mutandis be applicable to the teaching and non-teaching staff or the aided Education Institutions.

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

(H.S. Venkateshaiah)
Under Secretary to Government
Education Department (General)

Provided that findings on such charges shall not be recorded unless the employee has had an opportunity of defending himself against them:-

(1) The record of inquiry shall include :

- (i) the charges framed against the employee and the statement of allegations furnished to him;
- (ii) his written statement of defence, if any;
- (iii) the documentary evidence considered in the course of the inquiry
- (iv) the orders, if any made by the disciplinary authority and the inquiry committee in regard to the inquiry;
- (v) the oral evidence taken in the course of the inquiry;
- (vi) a report setting out the finding on each charge and the reasons thereof and
- (vi) any suggestion of the inquiry committee, if it considers necessary, for the imposition of any penalty.

(9) The disciplinary authority shall consider the report of inquiry and record its findings on each charge.

(10) If the disciplinary authority having regard to its findings on the charges is of the opinion that any of the penalties specified in clauses (iii) to (ix) of the rule 14 should be imposed, it shall, furnish to the employee a copy of the report of inquiry committee and a statement of its findings, if any.

(11) The disciplinary authority shall consider the representation, if any, made by the employee in response to the notice and determine what penalty, if any, should be imposed on the employee and pass appropriate orders in the case.

(12) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (vi) shall be imposed, it shall pass appropriate order in the case

22. Non payment of salary arrears in certain cases :- If the orders of the disciplinary authority imposing penalty of dismissal or removal or compulsory retirement or reduction in rank etc., is subsequently set aside by the court or appellate authority, the government shall not be liable to pay salary arrears and such arrears of salary shall be paid by the Management only.

23. Communication of orders and Appeal :- Orders passed by the Disciplinary Authority shall be communicated to the employees who shall also be supplied with a copy of the report of inquiry committee and statement of its findings if they have not been already been supplied to him. Any appeal against any of the penalties imposed by the disciplinary authority except those specified under section 94 of the Act and also subject to provisions contained in section 94 of the Karnataka Education Act, shall lie to the Director of Public Instruction (Primary) and Director of Public Instruction (Secondary) as the case may be. Every order of the disciplinary authority imposing any penalty or otherwise affecting his conditions of service to his prejudices, shall be served in person or communicated to the employees by registered post acknowledgement due, and copy of the order by sent to the competent authority at the same time.

CHAPTER-IV
CODE OF CONDUCT

24. Code of conduct for employees of Educational Institutions :- Maintain absolute integrity, devotion to duty and do nothing which is unbecoming of an employee of an Educational Institution.

25. Professional Duties :- (1) (a) Every employee shall:-

(i) be punctual in attendance in respect of his work and any other work connected with the duties assigned of him by the end of the institution.

(ii) Abide by the rules and regulations of the institution and show due respect to constituted authority.

(b) no employee shall

(i) knowingly or willfully neglect his duties;

(ii) remain absent from the institution without leave or without the previous permission of the head of the institution;

(iii) include in, or encourage, any form of malpractice connected with examinations or any other school activity;

(vi) accept private tuition.

(2) The following also constitute mis-conduct:-

(a) indulging in communal activities or propagating casteism;

(b) ill-treatment of students, other employees and indulging in rowdy or disorderly behaviour or violence;

(c) taking part in politics or elections;

(d) joining an Association, the object of which is prejudicial to the interest of the country;

(e) participation in a demonstration or strike

(f) criticising in public and current policies of State or Central Government.

(g) Accepting contribution or raising collection without previous sanction of the management.

(h) Bringing or attempt to bring political or other influence for furtherance of his own interest;

(i) Accepting any gift except a causal meal, lift or other social hospitality. However, on social occasions a gift could be accepted if its value is less than Rs. 100/- or on other occasions, if it is less than Rs. 250/-.

(j) Giving, taking or abetting the giving or taking of dowry;

(k) Engaging in any private trade or employment;

(l) Writing or editing any text book while being a member of the Textbook Committee

(m) Speculating in stock, share or investment;

(n) Becoming insolvent and / or getting into habitual indebtedness;

(o) Non-submission of Annual Assets and Liability Returns;

(p) Acquisition, disposal of movable or immovable properties without previous sanction of management or entering into any transaction with any foreigner or foreign organisation / Government for acquisition and disposal of property;

(q) Acting as a legal guardian of minor other than his dependant without the

- previous sanction of management;
- (r) Contracting another marriage without obtaining permission of the management or entering into a bigamous marriage against the personal law of employee;
- (s) Consumption of intoxicating drugs or drinks.

CHAPTER – V

LEAVERULES

26. General Rules : - (1) The leave rules applicable to both teaching and non-teaching staff in Government Educational Institutions shall mutatis-mutandis be applicable to the teaching and non-teaching staff or the aided Education Institutions.

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

(H.S. Venkateshaiah)
Under Secretary to Government
Education Department (General)

ANNEXURE – 1 (See Rule – 3)

1.Method of recruitment :- (1) Recruitment under these rules shall be made on the basis of the percentage of total marks secured in the qualifying examination as determined under clause 3 and of the marks secured at the interview under clause 4 by the selecting authority.

2.Advertisement in Newspapers :- The selecting authority of an Educational Institution shall after obtaining prior permission of the competent authority to fill up the vacancies shall notify at least in one leading newspaper having largest circulation in the local area inviting applications from candidates indicating therein the number of vacancies and categories of posts etc. In addition to this an institution shall request the concerned Employment Exchanges to send a list of eligible candidates for the purpose of selection. Copy of the advertisement shall also be sent to the concerned Deputy Director of Public Instruction and Block Educational Officer for displaying on the Office Notice Board. The Management of the Institution shall also display the Notification on its Notice Board.

3.Eligibility of candidates for the Interview :-

- (1) For purposes of selection of candidates for the interview, the selecting authority shall prepare a list of names of candidates on the basis of the percentage of total marks in the qualifying examination, in the order of merit and if two or more candidates have secured equal percentage of total marks in the qualifying examination the order of merit in respect of such candidates shall be fixed on the basis of their age, the person older in age being placed higher in the order of merit. Candidates as equal to ten times the number of vacancies notified, selected in the order of merit, shall be eligible for interview.
- (2) Where posts are reserved for Scheduled Castes, Scheduled Tribes, Backward Tribes or other Backward Classes and the required number of candidates

in terms of sub-clause (1) belonging to such castes. Tribes or other classes are not eligible for the interview, then, notwithstanding anything contained in sub-clause (1) such number of candidates as will make up the deficiency, belonging to such castes, tribes or classes selected in the order or merit on the basis of the percentage of total marks secured in the qualifying examinations, from the list of names of candidate shall also be eligible for the interview.

4. Qualifying Examination : For the purposes of this rule:-

- (a) Qualifying examination means the examination or examinations prescribed as the minimum qualification required for appointment in the rules of recruitment to the posts concerned, specified in Annexure-III.
- (b) Where the qualifying examination consists of more than one examination the percentage of total marks secured in the qualifying examination shall be the average of the percentage of total marks secured in those examinations.
- (c) Where different qualifying examinations have been prescribed alternately in the rules of recruitment applicable to a post of or category of posts and a candidate has passed more than one such qualifying examination, the percentage of total marks obtained in such qualifying examination in which he has obtained highest percentage of total marks shall be taken into consideration.

5. Interview : (1) Selecting authority shall interview the eligible candidates selected under clause 3 and award marks on the basis of their performance in the interview. The maximum marks for interview shall be fifteen.

2. The selecting authority shall publish on the notice board or its office on the day on the day on which interview is held or on that day following but before the commencement of the interview on that day, a list of marks obtained by each candidate in the said interview:

Provided that where the interview is held in any place other than the place of its office, the said list shall also be published in such other place in addition to the office.

6. List of selected candidates: - (1) The selecting authority shall on the basis of the aggregate of percentage of the total marks secured in the qualifying examination as determined under clause 4 and of the marks secured at the interview under clause 5 and taking into consideration the orders in force relating to reservation of posts for Scheduled Castes, Scheduled Tribes, Backward Tribes and other Backward Classes prepare in the order of merit a list of candidates eligible for appointment to the cadre or post and if the aggregate of the percentage of total marks secured in the qualifying examinations as determined under clause 4 and of the marks secured at the interview under clause 5 two or more candidates shall be fixed in accordance with clause 4. The number of names of candidates to be included in such list shall be equal to the number of vacancies notified.

(2) The selecting Authority shall in accordance with the provisions of sub-clause (1) also prepare an additional list of names of candidates not included in the list prepared under sub-clause (1) in which the number of candidates to be included shall as far as possible, be ten percent of the number of vacancies notified:

Provided that if the appointing authority so requires the number of candidates to be included in the list shall be such as may be specified by the appointing authority but not exceeding fifty percent for the number of vacancies notified.

(3) The lists so prepared under sub-clauses (1) and (2) shall be published in such manner as the competent authority and a copy thereof shall be sent to the appropriate appointing

authority.

7.Appointments of candidates :- In Annexure – 1 to the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) Rules 1999 for sub-clause (1) of clause 7, the following shall be substituted, namely:-

“(a) in respect of candidates whose names are included in the list published under sub-clause (1) of clause 6, proposal shall be sent to the Competent Authority through Block Education Officer in case of Primary School and Deputy Director or Public Instruction in the case of High School. The Competent Authority shall after verifying the selection procedure as specified under the rules has been complied with, shall cause to place the proposal immediately before the Screening Committee through the concerned Chief Executive Officer. The Screening Committee shall consists of the following, namely;-

In respect of High School

- | | | |
|----|---|--------------------|
| 1. | Chief Executive Officer of the concerned Zilla Panchayat | Chairman |
| 2. | Deputy Director of Public Instruction of the concerned Dist. | Member |
| 3. | Senior Education Officer of the office of the Deputy Director of Public Instruction | Member – Secretary |

In respect of Primary School

- | | | |
|----|---|--------------------|
| 1. | Chief Executive Officer of the concerned Zilla Panchayat | Chairman |
| 2. | Senior Education Officer of the office of the Deputy Director of Public Instruction of the concerned District | Member |
| 3. | Block Education Officer of the concerned Block | Member - Secretary |
- (b) The Chief Executive Officer of the concerned Zilla Panchayat on receipt of the proposal from the Competent Authority shall send it to the Member Secretary of the Screening Committee for preparation of Background Notes and other materials connected with the selection of candidates. Further, the Member – Secretary shall prepare the relevant background notes and place the same before the Screening Committee and also on conclusion of deliberations of the Screening Committee shall prepare Proceedings of the Committee and obtain signatures of the Chairman and Member of the Screening Committee and forward the same to the Competent Authority along with all the relevant documents for issue of necessary orders.
- (c) The Screening Committee shall verify with reference to the records submitted by the Member Secretary as to whether the selection is in accordance with the roster and the qualifications and other eligibility criteria specified under the rules and whether the other conditions of recruitment are complied with and shall make recommendations in relation thereto. Based on the recommendation of the Screening Committee, the Competent Authority shall convey the approval or rejections as the case may be. In case of rejection, the reasons for such rejections shall also be given in writing. The entire procedure including the placing of the proposal before

Screening Committee and conveying approval or rejections and issue of orders thereon by the Competent Authority shall be copies within a period of ninety days from the date of receipt of proposal in the Office of the Competent Authority the salary of such candidates shall be payable from the actual date of joining duty. The management shall be liable for payment of salary and other benefits till the date such posts are admitted into grant-in-aid.

(d) The Screening Committee shall meet as many times as necessary, but not less than once in a month.

(2) The inclusion of the name of a candidate in any list published under clause 6 shall not confirm any right of appoint.

(3) The list of candidates published by the selecting authority under clause 6 shall cease to be operative as from the date of publication of a list prepared in respect of such cadre of post on the next selection.

(4) Candidates whose names are included in the main lists prepared in the manner indicated above may be appointed in the vacancies in order in which names appear in the list.

(2) The inclusion of the name of a candidate in any list published under clause 6 shall not confirm any right of appointment.

(3) The list of candidates published by the selecting authority under clause 6 shall cease to be operative as from the date of publication of a list prepared in respect of such cadre or post on the basis of next selection.

(4) Candidates whose names are included in the main lists prepared in the manner indicated above may be appointed in the vacancies in the order in which names appear in the list.

ANNEXURE-II

(See Rule - 3)

List of benefits not admissible in respect of employees of aided institutions

- (1) Benefits not available for service rendered during the unaided period for purpose fixation of pay, leave and pension or any other service benefits by the Government.
- (2) Weightage of five years to for calculation qualifying services of an employee who retires on voluntary basis.
- (3) Medical reimbursement facilities.
- (4) Festival advance, House Building Advance, House Purchase Advance or any type of Advance.
- (5) Transfer Travelling Allowance and Daily Allowance.
- (6) Invalid pension before the completion of qualifying service of fifteen years.
- (7) Such other conditions or benefits as may be specified by order of the State Government from time to time.
- (8) In respect of retirement benefits, no employee who has retired between 1-4-1995 to 31-3-1998 shall be entitled to merger of 90% DA to Basic Pay for calculation of DCRG. In respect of employees retiring after 31.3.1998, DCRG will be calculated as per specific orders issued by the Education Department in this behalf from time to time.

ANNEXURE-III

(See Rule – 3)

Category of posts and qualifications

Category of Post	Number of posts	Minimum qualification
Assistant Master / Physical Education Teacher in Lower / Higher Primary School	As per approved staffing pattern specified in Annexure – IV	As prescribed under Karnataka Education Department Services (Department of Public Instruction)(Recruitment) (Rules)1967, as amended from time to time.
Note : The senior most Assistant Master will act as Head Master of Primary School.		
Head Master, Secondary School	As per approved staffing pattern	As prescribed under Karnataka Education (Department of Public Instruction)
Assistant Grade-I/ Secondary School	Annexure –IV	(Recruitment) (Rules) 1967, as amended from time to time
Assistant, Grade – II/ Physical Education Teacher / Craft Teacher		
Grade – II / Drawing Teacher / Second Division Assistant		
Peon		

ANNEXURE-IV

(See Rule – 3)

STANDARD STAFFING PATTERN FOR HIGH SCHOOLS

The minimum strength that is actual student attendance in each class of the High School from Standard VIII to Standard X shall be 25 in each section of each class. Accordingly in a High School with a minimum student attendance of 25 in each section of the VIII, IX and X standards, the following teaching posts may be sanctioned:-

1. Head Master / Mistress : 1 Among these and including the Head Master there shall be one
2. Assistant Masters : 3 PCM and
Teacher and one each for Social studies and English
3. Language Teachers : 1 (Kannada, Urdu, Tamil, Marathi etc. as the case may be)
4. Physical Education Teacher Grade – 1 : 1
5. Hindi Teacher (if taught as a compulsory language) : 1

NOTE : 1 (1) Additional section may be sanctioned only if the actual student attendance exceeds 70 in the original section. Further additional sections (over and above the first additional section) may be sanctioned only if each existing section has minimum actual attendance of 70.

(2) In respect of Minority language Schools one post of Kannada Language Teacher may be sanctioned over and above the sanctioned staffing pattern.

(3) If Sanskrit is taught as a language with prior approval of the Department and there is a minimum student strength of 25 per class opting for learning Sanskrit then one post of Sanskrit teacher may be sanctioned.

NOTE : 2 For each additional section opened beyond 5 sections with the prior sanction of the Competent Authority one and a half post of teacher may be sanctioned excluding the Head Master. No additional section shall be opened without prior permission of the competent authority.

NOTE : 3 The craft teacher existing as on the date of commencement of these rules shall continue in position. However, the posts held by the incumbent shall cease to exist consequent to their retirement, resignation, promotion, death or dismissal, removal etc.

NOTE : 4 Beyond 5 sections, the post of Physical Education Teacher, Hindi Teacher, Language Teacher and other subject teacher shall be within the prescribed limit of 1.5 teacher per section only.

Non-teaching staff:-

The following number of non-teaching staff may be sanctioned for a High School with minimum 3 sections of VIII, IX and X standards irrespective of the total number of sections in the school.

- | | | |
|------------------------------|---|---|
| 1. Second Division Assistant | : | 1 |
| 2. Group D | : | 1 |

Note 1: In case of non-teaching staff already admitted into grant in excess of the above staffing pattern, the posts held by such excess staff shall cease to exist consequent to their retirement, promotion, resignation, dismissal or removal or redeployment or death.

ANNEXURE – V

(See Rule – 3)

STANDARD STAFFING PATTERN FOR PRIMARY SCHOOLS

The minimum strength that is actual student attendance in each class of the Primary Section from 1 to Standard VII or from 1 to IV or from Standard V to VII as the case may be shall be 40 per class. Accordingly for a class of 40 students one post of Primary School teacher shall be sanctioned. However in a Primary School with classes from 1 to IV or from V to VII if the number of students in each class is less than forty, then a maximum number of two teachers shall be sanctioned for a minimum total student attendance of 80 irrespective of the number of children attending in a class. Further in a primary school with classes from I to VII if the number of students in each class is less than forty then a maximum of 4 posts of Primary School Teachers shall be sanctioned for a minimum total student strength of 160 irrespective of the number of children attending in each class.

ANNEXURE – VI

(See Rule – 3)

The procedure for filling up of the Head Master / Head mistress in Private Aided High Schools:

(i) The post of Head Master / Head Mistress in Private Aided High School shall be filled up by promotion from the cadre of Secondary School Assistant Grade-I. If no eligible Secondary School Assistants Grade – I is available, Secondary School Assistant Grade-II may be considered. Secondary School Assistants Grade –I and Grade –II includes Science, Arts, Language (Kannada, Urdu, Tamil, Marathi, as the case may be) and Hindi teachers.

(ii) Promotion to the post of Head Master / Head Mistress shall be made on the basis of seniority of a teacher, seniority being determined by counting the total number of years of

continuous service from the date of entry into the cadre of Secondary School Assistant Grade – I or Grade – II as the case may be and by following Roster Rules, if they are applicable as per the orders issued by the Government in the matter of reservation from time to time. The service rendered in the cadre of Secondary School Assistant Grade-II (Untrained) may be protected for service benefits but shall not be counted for fixing the seniority.

(iii) The eligible teacher must be a training Secondary School assistant and must have put in not less than five years of approved teaching service in the Secondary School.

(iv) If the management is running more than one school common seniority based on the date of approval of appointment of the teacher with aid shall be prepared and notified. If the date of approval of appointment of more than one teacher happens to be the same day, the seniority shall be fixed on the basis of date of birth and the person older in age shall become seniority. Such notified common seniority list shall be the basis for making promotion.

Based on the notified seniority list the appointing Authority shall pass a resolution and send suitable proposals for approval to the Competent Authority Viz., The Regional Secretary, Karnataka Secondary Education Examination Board and Ex-officio Joint Director of Public Instruction of the concerned Divisions with all relevant documents relating to seniority, qualification, service particulars of all the teachers, fulfillment of roster rules etc. If the Competent Authority after verifying the records is satisfied that all the requirements prescribed in the rules have been complied with, he may convey approval for promotion is not in accordance with the procedure specified under these rules, the Competent Authority may reject the proposal after recording reasons for such rejection in writing. Such approval or rejection shall be conveyed by the Competent Authority within 90 days from the date of receipt of proposal in his office, failing which disciplinary action will be taken against her / him under KCS (CCA) Rules 1957. Candidates shall be promoted by the Appointing Authority and benefits of fixation of pay of such candidates shall be payable from the actual date of assuming the charge of the promotional post.

(vi) The procedure specified above shall also apply to the Minority Institutions except it is not mandatory to consider only the senior most Secondary School Assistant for Promotion as Head Master or Head Mistress.

Form - I
(See Rule – 5)

1. Name of the employee
2. Father name
3. Date of birth
4. Qualification
5. Date of appointment
6. Nature of appointment - Permanent / Temporary
7. Name of the Post to which appointed
8. Scale of pay
9. Reservation category to which the employee belongs to
10. Whether appointment approved or not
11. Date of approval & reference
12. If approved, whether it is with aid or without aid details to be furnished
13. Any other details

Signature of the Head of the Institution

Form - II
(See Rule – 9)

I,
working as in
..... school
Management, voluntarily tender my resignation w.e.f.
for reasons.

(i) I request that my resignation may be accepted with effect from
.....
(one month thereafter).

(ii) I request that my resignation may be accepted with immediate effect. I surrender one month's salary in lieu of one month's notice as provided under rule 9 of Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Education Institutions) Rules, 1999.

Signature of the employee

Date:

Name of the Employee
(IN BLOCK LETTERS)

Place :

(Note : Strike off (i) or (ii) above which is not applicable).

**The Karnataka Educational Institutions (Recruitment and
terms and conditions of service of employees in Private
Aided Primary and Secondary Educational Institutions)
(Amendment) Rules, 2000
Arrangement of Sections**

1. Title and Commencement
2. Amendment of rule 3
3. Insertion of new annexure – IV

**Educationa Secretariat
Notification**

No. ED / 64 / ViVida / 2000, Bangalore, Dated : 31st January 2001

Whereas the draft of Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) (Amendment) Rules, 2000 was published as requested by sub-section (1) of Section 145 of the Karnataka Education Act 1983 (Karnataka Act 1 of 1995) in Notification NO. ED / 64 / Vivida / 2000, dated 9-10-2000 in part IV-A of the Karnataka Gazette Extraordinary dated 9-10-2000 inviting objections and suggestions from the persons likely to be affected thereby,

And whereas the said Gazette was made available for the public on 10th October 2000.

And whereas the objections and suggestions received in this regard have 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 makes the following Rules namely:-

1. Title and commencement : (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) (Amendment) Rules, 2000.

They shall come into force from the date of their publication in the official Gazette.

2. Amendment of rule 3 : In rule 3 of the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) Rules 1999 (hereinafter referred to as the said rules) in sub-rule (1) in clause (a), for the words and figure “as specified in Annexure – 1 appended to these rules” the words and figures “as specified in Annexure-1 and the procedure for filling up of the post of Head Master and Head Mistress in High Schools shall be specified in Annexure – VI” shall be substituted.

3. Insertion of new Annexure – VI – After Annexure V of the said Rules, the following Annexure shall be inserted, namely:-

**Annexure – VI
(See Rule 3)**

The procedure for filling up of the Head Master / Head Mistress in Private Aided High Schools :

i) The post of Head Master / Head Mistress in Private Aided High School shall be filled up by promotion from the cadre of Secondary School Assistant Grade-1. If no eligible Secondary School Assistants Grade-1 is available, Secondary School Assistant Grade – II may be considered. Secondary School Assistants Grade – I and Grade – II includes Science, Arts, Language (Kannada, Urdu, Tamil, Marathi, as the case may be) and Hindi Teachers.

ii) Promotion to the post of Head Master or Head Mistress shall be made on the basis of

seniority of a teacher, seniority being determined by counting the total number of years of continuous service from the date of entry into the cadre of Secondary School Assistant Grade – I or Grade – II as the case may be and by following Roster Rules, if they are applicable as per the orders issued by the Government in the matter of reservation from time to time. The service rendered in the cadre of Secondary School Assistant Grade-II (Untrained) may be protected for service benefits but shall not be counted for fixing the seniority.

iii) The eligible teacher must be a trained Secondary School Assistant and must have put in not less than five years of approved teaching service in the Secondary School.

iv) If the management is running more than one school common seniority based on the date of approval of appointment of the teacher with aid shall be prepared and notified. If the date of approval of appointment of more than one teacher happens to be the same day, the seniority shall be fixed on the basis of date of birth and the person older in age shall become seniority. Such notified common seniority list shall be the basis for making promotion

v) Based on the notified seniority list the appointing Authority shall pass a resolution and send suitable proposals for approval to the Competent Authority Viz., The Regional Secretary, Karnataka Secondary Education Examination Board and Ex-officio Joint Director of Public Instruction of the concerned Divisions with all relevant documents relating to seniority, qualification, service register, service particulars of all the teachers, fulfillment of roster rules etc. If the Competent Authority after verifying the records is satisfied that all the requirements prescribed in the rules have been complied with, he may convey approval for promotions of the selected candidates. In case the promotion is not in accordance with the procedure specified under these rules, the Competent Authority may reject the proposal after recording reasons for such rejection in writing. Such approval or rejection shall be conveyed by the Competent Authority within 90 days from the date of receipt of proposal in his office, failing which disciplinary action will be taken against her / him under KCS (CCA) Rules 1957. Candidates shall be promoted by the Appointing Authority only after such approval by the Competent Authority and benefits of fixation of pay of such candidates shall be payable from the actual date of assuming the charge of the promotional post.

vi) The procedure specified above shall also apply to the Minority Institutions except it is not mandatory to consider only the senior most Secondary School Assistant for Promotion as Head Master or Head Mistress.

By Order and in the name of
the Governor of Karnataka

K.S. GOPALAKRISHNA
Under Secretary to Government
Education Department (General)

**The Karnataka Educational Institutions (Recruitment and
terms and conditions of service of employees in Private
Aided Primary and Secondary Educational Institutions)
(Amendment) Rules, 2000
Educationa Secretariat
Notification**

No. ED / 65 / ViVida / 2000, Bangalore, Dated : 3rd February 2001

Whereas the draft of Karnataka Education Institutions (Recruitment and terms and conditions of service of employees in Private Educational Institutions) (Amendment) Rules, 1999 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 / 65 / Vivida / 2000, dated 9th October 2000 in part IV-A of the Karnataka Gazette Extraordinary dated : 9th October 2000 inviting objections and suggestions from the persons likely to be affected thereby,

Whereas the said Gazette was made available for the public on 9th October 2000.

Suggestions received in this regard have 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 makes the following Rules namely:-

1. Title and commencement : (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) (Amendment) Rules, 2000.

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

2. Amendment of Annexure - 1 : In Annexure I to the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) Rules 1999 for in sub-rule (1) of clause 7, the following shall be substituted, namely-

- (a) In respect of candidates whose names are included in the list published under sub-clause (1) of clause 6, proposal shall be sent to the Competent Authority through Block Education Officer in case of Primary School and Deputy Director of Public Instruction in the case of High School. The Competent Authority shall after verifying the selection procedure as specified under the rules has been complied with, shall cause to place the proposal immediately before the Screening Committee through the concerned Chief Executive Officer. The Screening Committee shall consists of the following, namely:-

In respect of High School

- | | | |
|----|--|--------------------|
| 1. | Chief Executive Officer of the concerned
Zilla Panchayat | Chairman |
| 2. | Deputy Director of Public Instruction of the
concerned Dist. | Member |
| 3. | Senior Education Officer of the office of the
Deputy Director of Public Instruction | Member – Secretary |

In respect of Primary School

- | | | |
|----|---|----------|
| 1. | Chief Executive Officer of the concerned
Zilla Panchayat | Chairman |
| 2. | Senior Education Officer of the office of the | |

- Deputy Director of Public Instruction of the
concerned District
3. Block Education Officer of the concerned Block
- Member
Member - Secretary
- (b) The Chief Executive Officer of the concerned Zilla Panchayat on receipt of the proposal from the Competent Authority shall send it to the Member Secretary of the Screening Committee for preparation of Background Notes and other materials connected with the selection of candidates. Further, the Member – Secretary shall prepare the relevant background notes and place the same before the Screening Committee and also on conclusion of deliberations of the Screening Committee shall prepare Proceedings of the Committee and obtain signatures of the Chairman and Member of the Screening Committee and forward the same to the Competent Authority along with all the relevant documents for issue of necessary orders.
- (c) The Screening Committee shall verify with reference to the records submitted by the Member Secretary as to whether the selection is in accordance with the roster and the qualifications and other eligibility criteria specified under the rules and whether the other conditions of recruitment are complied with and shall make recommendations in relation thereto. Based on the recommendation of the Screening Committee, the Competent Authority shall convey the approval or rejections as the case may be. In case of rejection, the reasons for such rejections shall also be given in writing. The entire procedure including the placing of the proposal before Screening Committee and conveying approval or rejections and issue of orders thereon by the Competent Authority shall be copies within a period of ninety days from the date of receipt of proposal in the Office of the Competent Authority the salary of such candidates shall be payable from the actual date of joining duty. The management shall be liable for payment of salary and other benefits till the date such posts are admitted into grant-in-aid.
- (d) The Screening Committee shall meet as many times as necessary, but not less than once in a month.
- (2) The inclusion of the name of a candidate in any list published under clause 6 shall not confirm any right of appoint.
- (3) The list of candidates published by the selecting authority under clause 6 shall cease to be operative as from the date of publication of a list prepared in respect of such cadre of post on the next selection.
- (4) Candidates whose names are included in the main lists prepared in the manner indicated above may be appointed in the vacancies in order in which names appear in the list.

By Order and in the name of the Governor of Karnataka

K.S. GOPALAKRISHNA
Under Secretary to Government
Education Department

**THE KARNATAKA EDUCATIONAL INSTITUTIONS
(RECRUITMENTS AND TERMS AND CONDITIONS OF SERVICE
OF EMPLOYEES IN PRIVATE AIDED PRIMARY AND SECONDARY
EDUCATIONAL INSTITUTIONS)
(AMENDMENTS) RULES, 2001**

No ED 16 Vivida 99 bangalore dated 5 th july 2001

Whereas, the draft of the rules to amend the Karnataka Educational Institutions (Recruitment and terms and conditions of service employees inprivate Aided Primary and Secondary Educational Institutions) Rules, 1999 was published in exercise of the powers conferred by sub-section (1) of Section 145 of the Karnataka Education Act 1983 (Karnataka Act, 1 of 1995) , in notification No. ED 95 vivida 2000, dated 23-3-2000 in part IV-A of the Karnataka Gazette, Extraordinary, dated 27-3-2000 inviting objections and suggestions from the persons likely to be affected there by:

And, whereas, no objections and suggestions have been received in this regard by the State 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 makes following rules namely,

1. Title and commencement :- (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service employees inprivate Aided Primary and Secondary Educational Institutions) Rules, 2001.

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

2. Amendment of Rule 16:- In Rule 16 Karnataka Education Institutions(Recruitment and terms and conditions of service employees inprivate Aided Primary and Secondary Educational Institutions) Rules, 1999. (hereinafter referred as the said rules) in sub-rule (1) in Clause (b) after item (v) the following item shall be inserted namely;

(iv) Sexual harassment of women employees in working places

Explanation -Sexual harassment includes such an unwelcome sexually determined (whether directly or by implication) behaviour as-

- a) Physical contact for sexual favours
- b) A demand or Request for sexual favours
- c) Sexually coloured remarks
- d) Showing pornography
- e) Any other unwelcome physical verbal or non verbal conduct of sexual nature

3. **Amendment of Rule 25** - in Rule 25 of the said rules -

(i) For the heading the following shall be substituted namely-

“ Professional Duties and Mis-conduct”

(ii) In sub -rule (2) after clause (8) the following shall be inserted namely-

“ (1) Subjecting any women employee to sexual harassment in working places

Explanation -Sexual harassment includes such an unwelcome sexually determined (whether directly or by implication)behaviour as-

a) Physical contact for sexual favours

b)A demand or Request for sexual favours

c) Sexually coloured remarks

d) Showing pornography

e)Any other unwelcome physical verbal or non verbal conduct of sexual nature

By Order and in the name of the Governor of Karnataka

K.S. GOPALAKRISHNA
Under Secretary to Government
Education Department

**The Karnataka Educational Institutions (Recruitment and
terms and conditions of service of employees in Private
Aided Primary and Secondary Educational Institutions)
(Amendment) Rules, 2002
Contents**

Rules

1. Title and Commencement
2. Amendment of rule 11

Notification

**No. ED / 48 / ViVida 2002, Bangalore,
Dated : 4th September, 2002**

Whereas the draft of Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) (Amendment) Rules, 2002 was published in Notification NO. ED / 48 / Vivida / 2002, dated 11-06-2002 in part IV-A of the Karnataka Gazette Extraordinary dated 11-06-2002 inviting objections and suggestions from the persons likely to be affected thereby,

And whereas the said Gazette was made available for the public on 11th June 2002.

And whereas the objections and suggestions received in this regard have 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 makes the following Rules namely:-

1. Title and commencement : (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) (Amendment) Rules, 2002.

(2) They shall come into force from the date of their publication in the official Gazette;

2. Amendment of rule 11 : In rule 11 of the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) Rules 1999 in sub-rule (6), for the fifth and sixth provisions, the following shall be substituted, namely:-

Provided also that:-

(i) the excess teachers so identified in Minority Educational Institutions under these rules, shall be allotted ad per sub-rule (6) of rule 11; and

(ii) the eligible excess teachers identified in other Aided Non-Minority Educational Institutions shall be allotted against sanctioned Aided posts that are vacant in the Aided Minority Institutions in accordance with rule 10".

By Order and in the name of
the Governor of Karnataka

S. Nagaraju
Under Secretary to Government
Education Department
(University & General – 1)

Education Secretariat
Notification
No. ED1007SEW 2001, Bangalore, Dated 24th April 2004

whereas the draft of the Karnataka Private Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2003 was published as required by Sub-section (1) of section 145 of the Karnataka Education Act, 1995, Notification No. ED 1007 SEW 2001 dated 9-1-2004 in part -IV-A of the Karnataka Gazette Extraordinary, dated 24-1-2004 inviting objections and suggestions from all persons likely to be affected thereby

whereas, the said Gazette was made available to the publication on 24-1-2004; and whereas, no objections or suggestion were received in this regard within the specified period, by the state 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 and commencement- (1) These rules may be called the Karnataka Educational Institutions (Grant-in-Aid for primary, Secondary and pre-university Educational Institutions) (Amendment) Rules, 2004

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

2. Amendment of Rule 11- In the Rule 11 of the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) Rules, 1999, in sub-rule(6) for the sixth Proviso, the following shall be substituted namely:-

“ provided also that no returned employee/ staff shall be allocated to a minority institutions for being appointed against a vacancy.

“ provided also that the minority institutions are concerned, where the competent authority on his own verification or on the report of its subordinate officers finds that there is an excess strength of teachers / staff on account reasons mentioned in the above rules, shall take action to retrench the excess teachers / staff following the same procedure as specified under these rules, the competent Authority shall withdraw salary grants in respect of such excess / retrenched staff”.

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

SIDDDALINGAIAH
Under Secretary to government,
Education Department,

NOTIFICATION

In exercise of powers conferred by clause 7 of section 2 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), and in supersession of Notification No. ED 52 VIVIIDA 99, dated 2-2-2000, the Government of Karnataka hereby authorises the officers in column (2) of the table below to perform the functions and discharge the duties of the Competent Authority for the purposes of Sections 87 to 101 of the said Act, read with the provisions of the Karnataka Educational Institutions (Recruitment and Terms and Conditions of Service of Employees in Private Aided Primary and Secondary educational Institutions) Rules, 1999 and specified in the corresponding entries in column (3) thereof:

Sl.No	Officers	Provisions of the Karnataka Educational Institutions (Recruitment and terms and conditions of services of employees in Private Aided Primary and Secondary educational Institutions) Rules 1999
(1)	(2)	(3)
1.	DDPI of the District	Rule 6
2.	DDPI of the District	Rule 9
3.	DDPI of the District	Rule 10
4.	DDPI of the District	Sub -rule (1), (2), (3), (4) and (5) of the rule Sub -rule (6) of rule 11
5.	Director of Public Instructions (Primary) in respect of Primary Schools other than Urdu and Other Miority Languages Schools.	Sub -rule (6) of rule 11
6.	Director of Pubile Instructions (Secondary) in respect of Secondary Schools other than Urdu and other Minority Languages Schools.	Sub -rule (6) of rule 11
7.	Director of Pubile Instructions, Urdu and Other Minority Language Schools in respect of Urdu and Other Minority Language Schools /Institutions	Sub -rule (6) of rule 11
8.	Director of Pubile Instructions, Office of the Additional Commissioner, Glbarga Division , in respect of both Primary and Secondary Schools other than Udru and Other Minority Language Schools, in gulbarga Division.	Sub -rule (6) of rule 11
9.	Director of Pubile Instructions, Office of the Additional Commisioner, Belguam Division, in respect of both Priamry and Secondary Schools other than Urdu and Other Minority Language Schools, in Belguam Division	Sub -rule (6) of rule 11

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|-----|--|---------|
| 10. | DPI (Primary) in respect of Primary Schools other than Urdu and Other Minority Language Schools. | Rule 12 |
| 11. | DPI (Secondary) in respect of Secondary Schools other than Urdu and Other Minority Language Schools. | Rule 12 |
| 12. | DPI (Urdu and Other Minority Language Schools) in respect of both Primary and Secondary Urdu and Other Minority Language Schools /Institutions | Rule 12 |
| 13. | DPI, Office of the Additional Commissioner, Gulbarga Division, in respect of both Primary and Secondary Schools other than Urdu and Other Minority Language Schools, in Gulbarga Division | Rule 12 |
| 14. | DPI, Office of the Additional Commissioner, Belgaum Division, in respect of both Primary and Secondary Schools other than Urdu and Other Minority Language Schools, in Belgaum Division. | Rule 12 |
| 15. | DPI (Primary) in respect of Primary schools other than Urdu and Other Minority Language Schools. | Rule 13 |
| 16. | DPI (Urdu and Other Minority Language Schools) in respect of both Primary and Secondary Urdu and Other Minority Language Schools /Institutions. | Rule 13 |
| 17. | DPI (Urdu and Other Minority Language Schools) in respect of both Primary and Secondary Urdu and Other Minority Language Schools / Institutions. | Rule 13 |
| 18. | DPI, Office of the Additional Commissioner, Gulbarga Division, in respect of both Primary and Secondary Schools other than Urdu and Other Minority Language Schools, in Gulbarga Division. | Rule 13 |
| 19. | DPI, Office of the Additional Commissioner, Belgaum Division, in respect of both Primary and Secondary Schools other than Urdu and Other Minority Language Schools, in Belgaum Division. | Rule 13 |
| 20. | DDPI of the District in respect of Primary Schools Secondary Schools. | Rule 14 |

- | | | |
|-----|--|------------------------------------|
| 21. | DDPI of the Disctict in respect of Primary Schools. | Rule 17 |
| 22. | DDPI of the District in respect of Primary Schools. | Rule 17 |
| 23. | DDPI of the District in resoect of Primary Schools. | Rule 17 |
| 24. | JDPI of the concerened Division in respect of Secondary Schools. | Annexure -1 of the .
said rules |

By order and in the nameof the Governor of Karnataka,

(M.N. SOMASHEKHAR)
Under Secretary to Government
Educational Department.

Education Secretariat
Notification
No. ED 1007 SEW2001, Bangalore, Dated 22 nd October 2005

Whereas the draft of the following rules further to amend the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2005, was published as required by Sub-section (1) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), Notification No. ED 1007 SEW 2001 dated 9-8-2005 in part -IV-A in NO 1572 of the Karnataka Gazette Extraordinary, dated 10-8-2005 inviting objections and suggestions from all persons likely to be affected thereby

whereas, the said Gazette was made available to the publication on 10-8-2005 and whereas, no objections and suggestion have been received in this regard 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 and commencement- (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2005, was published as required by Sub-section (Amendment) Rules, 2005

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

2. Amendment of Rule 11- In the Rule 11 of the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) Rules, 1999, in sub-rule(6) for the sixth Proviso, the following shall be substituted namely:-

“ provided also that the excess teachers so identified in minority Educational institutions under these rules may be allotted to any other Educational institutions under the same management or non-minority educational institution in accordance with sub-rule(6)”.

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

SIDDDALINGAIAH
Under Secretary to government,
Education Department,

Education Secretariat
Notification
No. ED 79SLB 2006, Bangalore, Dated 4th January 2007

The draft of the following rules further to amend the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2006, which the Government of Karnataka proposes to make in exercise of the powers conferred by Sub-section (1) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), hereby published as required by sub-section for the information of the person likely to be affected thereby and notice is hereby given that the said draft will be taken in to consideration after thirty days from the date of its publication in the Official Gazette.

whereas, the said Gazette was made available to the publication on 15-09-2006
whereas, no objections and suggestion have been received in this regard by the government.

whereas, the objection received 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 and commencement- (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2006, was published as required by Sub-section (Amendment) Rules, 2006

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

2. Amendment of Annexure VI- In the of the Karnataka educational institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) Rules, 1999, in annexure-VI in clause (i), at the end, for the words "and Hindi", the words "Hindi and Sanskrit" shall be substituted.

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

SIDDALINGAI AH
Under Secretary to government,
Education Department,

**Education Secretariat
Notification**

No. ED 166 SLB 2001, Bangalore, Dated 16th June 2007

where as, The draft of the following rules further to amend the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2007, 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 116 SLB 2006, dated : 12-04-2007 in part -IV-A in No. 639 of the Karnataka Gazette extraordinary dated : 21 04-2007 inviting objections and suggestions from the persons likely to be affected thereby

whereas, the said Gazette was made available to the publication on 21-04-2007

whereas, no objections and suggestion have been received in this regard 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 and commencement- (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2007.

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

2. Amendment of Rule 12- In the of the Karnataka educational institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) Rules, 1999, in rule 12, in sub rule (2), in the proviso:-

(i) for the words “the head of the department words “the competent authority”, shall be substituted ; and

(ii) for the words “Director of public instruction (primary) in respect primary and the director of the public instruction (secondary) in respect of secondary schools” the words component authority “ shall be substituted,

(2) In rule 12, in sub rule (2) of rule 12 after the first proviso, the following second proviso shall be inserted , namely,

“ provided further that in the event of a school being duty transferred to a new management, the service rendered by the employees concerned under the previous management, the service count for the purpose of seniority, salary, leave and pensionary benefits”.

(3) In rule 12, in sub rule (2) the following second proviso shall be inserted , namely:-

“(3) Government may grant permission to transfer an employee of an educational institution imparting or secondary education, in the following cases:-

(a) in the case of request by the management of an Aided educational institution located with the state of Karnataka for transfer of its employee with the consent of the employee, to a comparable post in any of the institutions of the same management located in any other state for a period not exceeding five years;

(b) in the case of request by the management of an Aided educational institution located in any other state from the state government concerned, for transfer of its employee to a grand-in-aid-vacancy in a comparable post in any of the institutions of the same management, location in to the state of Karnataka for a period not exceeding five years subject to the condition that the employee concerned possess the educational qualification prescribed as per the rules of recruitment applicable to such a post and is in receipt of grand-in-aid from the state of government concernment and subject to fulfillment of other conditions of method of retirement and grant-in-aid and the said vacancy has arisen on account of retirement, resignation, death or transfer, as the case may be ;and

(c) in the case of request by the management for a permanent transfer of its employee, which is in receipt of grant-in-aid, subject to consent to the employee and both management of government of other state to or from an institution in grant-in-aid, which is located in any other state and which may belong to either the same management or a different management

(4) In the case of transfer referred to in clause (a) of sub-rule (3), it shall be treated as re-deployment , on return of the employee concerned to the state of Karnataka, the period of such re- deployment shall be treated as “dies-non” as defined in sub rule (14-A) of the rule 8 of the Karnataka civil service rules . Application of Karnataka state aided school employee contributory provident fund, Insurance pension rule as contained in the government order no. ED 65 SES 1962, dated : 24-8-1963, as amended from time to time , shall be deemed to have been kept in abeyance in relation to such an employee for the period of his re-deployment which shall be resumed after he returns to the state of the Karnataka and assumes charge of the post he held before his re-deployment. The management shall not fill the vacancy caused by such redeployment except on temporary basis by placing an available teacher in additional charge etc. The service rendered on such re-deployment shall not count for pension and pay fixation. The parent management or the management which has employed the employee and no grant-in-aid shall be payable by the government of Karnataka during the period of such re-deployment;

(5) In the case of a transfer under clause (b) of sub-rule (3), it also be treated as redeployment subject to the condition that the employee concerned, according to the rules applicable to him in his parent state is not required to region and there is provision to maintain his lien until his return to his parent school.on return to his parent school . such re-deployment shall be treated as defined in sub-rule (14-A) of rule 8 of the Karnataka civil services Rules. Further, the rules applicable to such an employee in his parent school in respect of his pension, gratuity, provident fund etc. shall be deemed to have been kept in abeyance in relation to such an employment to the educational institution located in the state of Karnataka, which shall be resumed after the return to his state and assumes charge of the post held by him in his parent school before his re-deployment. the service rendered on such re-deployment shall not count for pension and pay fixation, the liability of the government of Karnataka shall be limited to payment of grant-in-aid equivalent to the amount calculated on the average of the minimum and maximum of the scale of the post of the held by such an employee in Karnataka or actual pay down whichever in less;

(6) in the case of a transfer referred to in clause (c) of sub-rule(3),if the transfer of an employee is from any other state to a post in an educational institution which received grant-in-aid from government located in Karnataka on permanent basis against a vacancy caused on account of requirement . death resignation or promotion of a teacher, the employee concerned possess the educational qualification prescribed as per the rules of recruitment applicable to such a post and he shall be deemed to have resigned his post in his parent school and his transfer treated as a fresh appointment and grant-in-aid paid to him prospectively from the date of his reporting for duty, his pay shall be fixed at the minimum of the scale of pay of the post to which he is transferred;

(7) in the case of a transfer from an educational institution located in Karnataka to other state referred to in clause (c) of sub rule (3), the employee concerned shall be deemed to have been permitted to retire from service and the pensionary benefits / gratuity etc due to him shall be paid to him accordingly as per the provision of the rules applicable to him”.

3. **Amendment of Annexure-IV:-** in the karnataka educational institution [Recruitment and terms and conditions of service of employees in private aided primary and secondary educational institutions] Rule, 1999-in Annexure-VI (i) after SI, No. “5 and entries relating thereto i.e., Hindi teacher (if taught as compulsory language)” the following shall be inserted, namely,

- i) “6 Teacher (Craft or drawing or music):1[one]
- ii) Note-3 shall be omitted.

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

M.M HIREMATH
Under Secretary to government,
Education Department

**Education Secreariat
Notification**

No.ED 104, SEP 2005 Bangalore Dated 12 th January,2006

Where as draft of the Karnataka Educational Institutions (Certain terms and conditions of service of employees in rprivate un-aided Primaray and Secondary and Pre- University Educational Instutions)Rules, 2005 was published as required by sub- sections (1) of Section 145 of the Karnataka Education Act, 1983 (Karnaatakaa Act 1 of 1995) in Notification No. ED 104 SEP 2005 in Part -IV-A of Karnatak Gazette Extraordinary No. 1873 dated 17-10-2005 inviting objections nad suggestions for all persons likely to be affected thereby within thirty days from the date of the publication of the draft in Official Gazette.

And whereas the said Gazette was made available to public on 17-10-2005:

And whereas the objections and suggestions received in this regard have been duly considered by the State Government:

Now, thereof in exercise of the powers conferred by sub-section (1) of section 145 of the Karnataka Education Act ,1983. (Karnatakaa Act of 1995) the Government of Karnataka is hereby makes the following rules, namely :-

1. Title,application and Commencement :- (1) These rules may e called the Karnataka Educational Institutions (Certain terms and conditions of service of employees in Private unaided Primary and Secondary and Pre-University educational institutions) Rules,2005.

(2) These rules shall apply to the Primary,Secondary and Pre-University educational Institutions not receiving grant-in-aid.

(3) They shall come into froce from the date of its Publication in the Offical Gazette.

2. Definitions:- (1) In these rules unles the context otherwise requires :-

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

(b) 'Appointing Authority' means:-

(i) In respect of all the employees of the una-aided Primary, Secondary and Pre-University educational Institutions, other than the Head of the Institution, the Managing Committee of the institution:

(ii) In respect of the Head of the Institution , the Governing Council.

(c) 'Disciplinary Authority' means the Manaaging Committee or as the case may be the Governing Council:

(d) 'employee' means a person employed in an educational institution;

(e) "From' means a form appended to these rules:

3. Minimum number of posts, Educational Qualifications and Condictions of service of employees :- (1) Subject to the other provisions of these rules:

(a) The minimum number of categories and number of posts and staffing pattern shall be as applicable to aided educational institutions. The educational qualifications for recruitment to the various posts in the educational institutions shall be the same as those applicable to teh corresponding category of posts in Government educational institutions:

(b) Salary : The salary of the employees in the educational institutions of namently, the unaided Primary, Secondary and Pre- Unverisity educational institutions shall not be less than the minimum of the basic of the scale of pay of the corresponding post held by an employee in a Government educational instituion and shall be disbursed through A/c payee cheques drawn in favour of such employee.

4. Leave :- (1) The employees, both teaching and non- teaching, in the educational institutions shall be entitled to leave of not less than the leave specified below:-

(a) Leave may be sanctioned to the4 employees for a maximum of 12 days in each calendar year but not for more than five days at a time on the ground of any sicknes or on any other reasonable ground. This leave shall be cridiated to the account of the employee at the beginning of the calendar year on the first of January every year:

(b) Where an employee has not put in a service of one year, he may be sanctioned leave in proportion to the period of his service at the rate of one day for each completed month of services:

(c) For the purpose of (b) above, fraction of leave of half a day or more shall be treated as on efull day's leave and a fraction of less than half a day shall be omitted:

(d) Female employees shall be sanctioned maternity leave for a period of not lerss than such number of days as admissible in accordnace with the Maternity Benefits Act, 1961 (Central Act 53 of 1961).

(2) If an employee does not, in any one calendar year avail himself of the whole of the leave at his credit under sub-rule (1), such unavailed leave shall be added to the leave at his credit in the succeeding calander year.

Provided that the total number of the days of leave sthat may be so carried froward to asucceeding year shall not exceed 30 days.

(3) An employee, before availing himself of leave shall apply in writing to the head of the instituiton well before the date on which he wnats to be absent on leave and do so only if he is sancxtioned leave.

5. Schedule of employment : - Every educational institution shall issue a written order of appointment in respect of the appointments made by ti and maintain a Service Book in respect of each of tis employees. Every institution shall also maintain a schedule of employment indicating therein the name, qualification, scale of apy and other particulars in respect of each of its employees, in Form-1.

6. Educational Institutions not to compel an employee to give resignation letter either at the time of appointment or subsequently:- (1) Any employee appointed under these rules may resign from service by giving one month's notice in writing in Form II to the Governing Council or surrendering one month's salalry in lieu thereof. It shall be sent by registered post acknowledgement due or in person under proper acknowledgement.

(2) No employee of an educational Institution sahll resign any time by undated or predated leter.

(3) No edcational Institution shall insists or compel any of its employees to give at any time undated or predated resignation letter.

(4) No employee of the educational institution sahll be relieved from service on the strength of such resignation. The head of the educational institution shall enquire as to wheather the resignation letter isa in acordance with sub -rule (1) and if so forward the resignation letter to the Managing Committee, with his recommendation.

(5) Entries regarding the date of acceptance of resignation of appointment shall be made by the Secretary of the society / trust in the Service Book of the employees concerned.

Provided that the employee who has submitted resignation may withdraw the same, if he so desires, within the intended period of resignation or before resignation is accepted, whichever is earlier.

7. Appeal :- Any person aggrieved by the order of the competent authority may appeal to the Tribunal within ninety days from the date of communication of the order.

By order and in the name of the Governor of Karnataka

SIDDALINGAIAH

Under Secretary to Government,
Education Department.

Form -1

(See Rule -5)

1. **Name of the Employee:**
2. **Father's/Mother's name:**
3. **Date of Birth:**
4. **Qualification:**
5. **Date of appointment:**
6. **Nature of appointment:**
7. **Name of the post to which appointed:**
8. **Scale of apy :**
9. **Date of apporval & reference:**
10. **Any other details:**

Signature of the Head of the Institution.

Form-II
(See Rule -6)

I,..... Working as
.....in
.....School.....Management,
voluntarily tender my resignation
w.e.f.....for.....reasons.

(i) * I request that my resignation may be accepted with effect from
.....(one
month thereafter)

(ii) * I request that my resignation may be accepted with immediate effect.
I surrender one month's salary in lieu of one month's notice.

Signature of the employee

Date:

Place :

Name of the Employee
(IN BLOCK LETTERS)

[* Note : Strike off (i) or (ii) above, as the case may be, whichever is not applicable]

**Education Secretariat
Notification**

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

whereas, The draft of the following rules further to amend the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2007, 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 publication on 29-08-2006

whereas, no objections and suggestion have been received in this regard 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 and commencement- (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in private Aided Primary, Secondary Educational Institutions) (Amendment) Rules, 2006.

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

2) 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.

3 Procedure for change in the governing council or change in the location of the private educational institutions:-(1) Applications seeking change in the governing council or change in the location of the private educational institution shall be filed in person 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 the change in the location of a private educational institution specified in column (2) of the table below shall be accompanied by proof 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 bank located in the head quarters 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	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 to 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 other 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 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 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.

(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 premissible 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 (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 panchyat shall be permitted beyond the limits of such urban agglomeration or city corporation or city municipal council or town municipal council or town panchyat, 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 panchyat area, where it is located, to another place either within the same gram panchyat area or some other gram panchyat 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,

(M.N. SOMASHEKHAR)
Under Secretary to Government
Educational Department.

**The Karnataka Educational Institutions (Ancillary Services
in Recognised Educational Institutions) Rules, 2000**

Arrangement of Sections

1. Title and Commencement
2. Definition
3. Medical Examination and Health Service
4. Recreation and Physical Training
5. Guidance Service
6. Libray Services

**Educational Secretariat
Notification**

No. ED / 135 / ViVida / 98, Bangalore, Dated : 31st January 2001

Whereas the draft of Karnataka Educational Institutions (Ancillary Services in Recognised Educational Institutions) Rules, 2000 was published as required by sub section (1) of section 145 of Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) in notification No. ED / 135 / ViVida / 98, dated 24-11-2000 I part IV-A of Karnataka Gazette Extraordinary dated 24th November 2000 inviting objections and suggestions from the persons likely to be affected thereby.

Whereas the said Gazette was made available for the public on 24th November 2000.

And whereas the objections and suggestions received in this regard have 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 makes the following Rules namely:-

1. Title and commencement : (1) These rules may be called the Karnataka Educational Institutions (Ancillary Services in Recognised Educational Institutions) (Amendment) Rules, 2000.

(2) These rules shall come into force from the date of their publication in the official Gazette;

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

(1) "Act" means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995).

(2) "Institution" means a Recognised Educational Institution.

(3) Medical Examination and Health Service : (1) Every Institution shall arrange Medical Examination of the students by a Medical Officer not below the rank of an Assistant Surgeon of Government Hospital or a registered Medical Practitioner with a minimum qualification of M.B.B.S. After the examination the Medical Officer shall make entries in the health records of every student.

(2) It shall be the duty of the Head of the Institution to maintain the health records and make facilities for medical check up.

(3) The Head of the Institution shall get the approval of the Competent Authority for appointing a doctor other than a Government doctor, for Medical Examination and to provide medicines to the student.

(4) The expenses in respect of Medical Examination of the students and the medicine given to the students shall be met out of the medical fees collected from the students. Any short fall shall be borne by the Institution.

(5) The head of the Institution shall maintain accounts of all such expenditure and shall submit it for verification to the Competent Authority at the time of inspection.

(6) Every Institution shall give proper attention to all factors relating to health of students and make them health conscious. In addition to these provisions and subject to other rules made in this behalf, the institutions shall give particular attention,-

- a) to the personal and social hygiene of students.
- b) for making make provision, in the time table for intervals of rest.
- c) to take first measures for safety.
- d) to provide for pure drinking water.

e) to take steps to stop sale of unhygienic or harmful food, drinks or eatables in or near the premises of the institution.

4. Recreation and Physical Training :- It shall be the responsibility of the management of every Institution to provide facility for physical educational activities, such as different sports and games, summer camps, vocation classes, mass activity and such other activities which may include discipline. In addition to the above the management may endeavour to provide facilities for physical fitness and encourage the students to gain courage, patriotism and the spirit of co-operation. The management may with the help of parents and if necessary with the co-operation of Non-Government Organisation conduct special campus to students, to enable them to know about cleanliness, hygiene, spirit of group living, mutual trust and brotherhood etc.

5. Guidance Service :- The Management of every Institution shall endeavour to provide for guidance and conducting appropriate course. To achieve this the management may create a guidance cell, which shall consist of two senior most teachers and one of them shall be a lady teacher. The cell shall meet once in two months to identify the problems of the students and to discuss the remedial measures. The cell may utilise the services of Non-Government Organisations, Doctors etc., as they deem fit. The Management shall provide necessary guidance materials like brouchers, leaflets etc., to the students.

6. Library Services :- (1) The Management of every Institution shall provide adequate library facilities to the students.

(2) As far as possible, separate building or rooms shall be provided for the purpose of providing Library facilities the number of books in the library shall be commensurate with the strength of the students. The books may include text books of varied interest. The books shall be selected according to the age group and interests of the students.

(3) The books shall also include reference books, text books, maps, dictionary and such other books as may be necessary for reference to the Teachers.

(4) The library and the reading room shall be open for the students at least one hour before commencement of the classes and one hour after close on all the working days.

(5) For Superintendent and development of the library every institution shall appoint a librarian with necessary qualifications or a teacher with attitude and qualification may be placed in additional charge of library and it will be the duty of such person to maintain the library.

By Order and in the name of
the Governor of Karnataka

K.S. GOPALAKRISHNA
Under Secretary to Government
Education Department (General)

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

1. Title and Commencement
 2. Definition
 3. The duties and the code of conduct for the Governing Council
 4. Furnishing of list of properties
 5. Utilisation of funds and properties of the Institution
 6. Accounting of deposit of institutions funds
 7. Closure of Institutions etc.
 8. Appeal
- Form I
Form II
Form III

**Education Secretariat
Notification**

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

Whereas the draft of Karnataka Educational Institutions (Control of Private Educational Institutions) Rules, 1999 was published as required by sub section (1) of section 145 of Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) in notification No. ED / 145 / ViVida / 98, dated 4-10-1999 in part IV-2c of 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 for the public on 5th October 1999.

And whereas the objections and suggestions has been received in this regard.

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

1. Title and commencement : (1) These rules may be called the Karnataka Educational Institutions (Ancillary Services in Recognised Educational Institutions) (Amendment) Rules, 1999.

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

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.
- (c) “Institution” means Private Educational Institution.
- (d) “Section” means 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 endeavour 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 curricular, 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 utilise 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 utilise 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 of 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 authorise 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 utilised for the bonafied 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 utilised 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, 1995 (Central Act 23 of 1995) or
- (b) In a subsidiary Bank as defined in the State Bank of India (subsidiary banks) Act, 1959 (Central Act 38 of 1959) or
- (c) In any corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of undertakings) Act, 1970 (5 to 1970) or Post Office 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.	Commissioner of 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

Form – II
(See 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 recognised 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 furnished 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 realised for the benefit of the institution from the date of opening of the institution.

Cash Kind :	Rs.	Present	Rs. P.
	Movable :	Value	
	Immovable :		

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
 - iii) 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 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, building, 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. Reasons for such closures
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 permission of the competent authority and the closure shall take effect from the date of expiry of an academic year.
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. 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 of 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.

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

Place :

Date :

**The Karnataka Educational Institutions (Recruitment and
terms and conditions of service of employees in Aided
Colleges of Education and Teachers Training Institutions) Rules, 2001**

Arrangement of Sections

1. Title and Commencement
2. Definition
3. Qualification and conditions of service of employees
4. Age
5. Schedule of employment
6. (a) Constitution of Selection Committee
- (b) Constitution of Selection Committee for selection of the Head of the Institution
- (c) Constitution of Governing Council

Chapter – II

Service Conditions in Respect of Employees

7. Period of probation
8. Seniority
9. Resignation
10. Retrenchment of employee
11. Procedure to be followed by Competent Authority under Section 98
12. Transfer of employees from one aided institution to another aided institution
13. Closure of Institutions.

Chapter – III

Discipline

14. Nature of Penalties
15. Disciplinary authorities
16. Suspension
17. Subsistence allowance during suspension
18. Leave while under suspension
19. Authority to institute proceedings
20. Procedure for imposing minor penalties
21. Procedure for imposing major penalties
22. Non payment of salary arrears in certain cases
23. Communication of orders and Appeal

Chapter – IV

Code of Conduct

24. Code of conduct for employees of Educational Institutions
25. Professional duties

Chapter – V

Leave Rules

26. General Rules
- Annexure – I
- Annexure – II
- Annexure – III
- Annexure – IV
- Annexure – V
- Form I
- Form II

**The Karnataka Educational Institutions (Recruitment and
terms and conditions of service of employees in Aided
Colleges of Education and Teachers Training Institutions)
Rules, 2001**

**EDUCATION SECRETARIAT
NOTIFICATION**

No. ED 6ViVida 2001, Bangalore, dated : 12th October, 2001

Whereas the draft of Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Aided Colleges of Education and Teachers' Training Institutes) Rules, 2000 was published in exercise of the powers conferred by sub-section (1) of Section 145 of Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) in notification No. ED 6 ViVida 2001 dated 20.4.2001 in part IVA of Karnataka Gazette Extraordinary dated 21.4.2001 inviting objections and suggestions from the persons likely to be affected thereby.

And Whereas the said Gazette was made available for the public on 21.4.2001.

And whereas the objections and suggestions has been received in this regard by the State 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 makes the following Rules namely:-

1. Title, Application and Commencement : (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Aided Colleges of Education and Teachers' Training Institutes) Rules, 2001.

(2) These rules shall be apply to the Colleges of Education and Teachers' Training Institutes receiving grant-in-aid.

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

2. Definition :- (1) In these rules unless the context otherwise requires –

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

(b) 'Aided Institutions' means any institution which receives Grant-in-aid from the Government.

(c) 'Annexure' means an annexure appended to these rules.

(d) 'Appointing Authority' means

(i) in respect of all the employees of the aided colleges of Education and Teacher's Training Institutes, other than the Head of the Institution, the Managing Committee of the Institution.

(ii) in respect of the Head of the Institution, the Governing Council

(e) 'Disciplinary Authority' means the Managing Committee or as the case may be, the Governing

(f) 'Form' means a form appended to these rules

(g) 'Government' means Government of Karnataka

(h) 'Governing Council' means a Committee constituted under Rule 6 (c) of these rules.

(i) 'Head of the Department' means –

(i) the Commissioner for Public Instruction

(ii) the Director of Public Instruction (Research & Training)

(iii) the Principal of District Institute of Education and Training of the concerned District.

(j) 'Institution' means –

(i) either a College of Education affiliated to a University under section 53 of Karnataka State Universities Act 1976 imparting teaching in Education at degree level (B.Ed.) and

recognised by National Council of Teachers' Education or

(ii) in respect of Teachers' Training Institute any institute established or recognised by the Government and the National Council for Teachers Education for imparting pre-service Teachers Training leading to T.C.H. Certificate issued by the Karnataka Secondary Education Examination Board.

(k) 'Local Body' means a duly constituted Zilla Panchayat, Taluk Panchayat, Grama Panchayat or Municipal Corporation or Municipal Council or a Town Panchayat or any other body notified by the Government from time to time as a local body for purposes of grant-in-aid under these rules.

(l) 'Management' means a person a body of persons, a local body or a registered association, a managing committee or committees maintaining one or more Institutions and registered and recognised as such by the Government.

(m) 'Schedule' means the Schedule to these Rules.

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

(o) 'University' means a University established under the Karnataka State University Act 1976 to which B.Ed. Colleges are affiliated.

Words used but not defined in these rules shall have the meaning assigned to them in the act or as the case may be in the Karnataka Civil Services Rules or the rules made or deed to have been made under the Karnataka State Civil Services Act 1978 (Karnataka Act 14 of 1990).

3. Qualification and conditions of service of employees :- (1) Subject to the other provisions in these Rules :-

(a) The categories of posts, the staffing pattern and the qualifications for recruitment to posts in an Institution shall be as specified in Annexure III, IV and V. In respect of employees other than teacher educators / lecturers, the prescribed qualifications for recruitment, etc. in Institutions shall be the same as those applicable for the corresponding category of employees in Government Educational Institutions. The procedure for selection of candidates to posts identified for recruitment shall be as specified in Annexure-I appended to these rules.

(b) Subject to the financial capacity of the State Government the salary of employees in respect of posts admitted into aid in recognised private educational institutions receiving aid from the State Government shall generally be the same as those applicable for the corresponding category of employees in Government educational institutions as per orders issued by the State Government in respect of this category of employees from time to time.

Provided that no employee of an aided institution shall be entitled to the benefits enumerated in Annexure – II.

(c) Subject to the financial capacity of the State Government pensionary benefits is admissible to aided employees of aided institution as per the provisions of Triple Benefit Scheme Rules and gratuity is admissible as per the orders issued by the government from time to time.

Provided that in respect of employees appointed prior to 1-1-86, pension and gratuity is admissible if management contribution of 3% is paid up to the period of 4-9-86.

(2) The State Government may vary the qualification, method of recruitment and conditions of service from time to time.

4. Age : No employee who is not within the age limit prescribed for recruitment to the corresponding posts in Government Educational Institutions shall be eligible for appointment to any post in any Institution.

5. Schedule of employment :- (a) Every private educational institution shall maintain a schedule of employment as per seniority indicating therein the name, qualification, scale of pay

and other particulars in respect of each employee, in Form-1.

(b) In case the management is running more than one institution, the schedule of employment shall be maintained management wise also as per seniority and roster.

6.(a) Constitution of Selection Committee :- For the purpose of recruitment to teaching and non-teaching posts other than the post of head of institution, to an institution, the Managing Committee shall constitute a "Selection Committee" consisting of :-

- (i) the President of the Head of the Managing Committee or his nominee-Chairman;
- (ii) the Competent Authority or his nominee other than in minority institutions;
- (iii) the head of the Institution;
- (iv) An educationist or an expert in the subject to which recruitment is to be made, selected by the Governing Council.

(b) Constitution of Selection Committee for selection of the Head of the Institution :-

For the purpose of recruitment to the post of Head of the Institution, to an Institution, the Managing committee shall constitute a 'Selection Committee' consisting of :-

- (i) the President or the Head of the Managing Committee of his nominee - Chairman
- (ii) the Competent Authority or his nominee other than in minority institutions :-
- (iii) Two senior staff members;
- (iv) Two nominees of the concerned Universities in case of B.Ed. Colleges or the Principal of the concerned D.I.E.T. in case of T.T.Is.

(d) Constitution of Governing Council :- The Governing Council shall consist of all the members of the selection Committee constituted under clause (ii) of rule 6. In addition to this the Head of the Institution.

CHAPTER – II

SERVICE CONDITIONS IN RESPECT OF EMPLOYEES

7.Period of probation :- A person appointed under these rules shall be on probation for a period of two years.

Provided that the appointing authority may for the reasons to be recorded in writing extend the period of probation by a further period of six months.

8.Seniority :- (a) The Managing Committee shall cause to be prepared and maintained every year a separate seniority list of employees for each category of posts in the institution.

(b) In case the managing committee is running more than one institution, the managing committee shall cause to prepare a common seniority list for all the institutions under its control.

9.Resignation :- Any employee appointed under these rules may resign from service by giving one month's notice in writing in Form 1 to the Governing Council or surrendering one month's salary in lieu thereof. A copy of such notice shall be sent to the competent authority or a person or an authority authorised by him for verifying the contents of the resignation notice and forward it to the Governing Council for acceptance, if the resignation is found to be voluntary. The Governing Council shall not accept the resignation until the notice is forwarded to it by the competent authority.

Provided that the employee who has submitted resignation may withdraw the same if he so desires within the intended period of resignation or before resignation is accepted whichever is earlier.

10. Retrenchment of employees :- (1) An employee in an institution may be retrenched by the Governing Council on the following grounds:-

Where the teacher pupil ratio falls below the standard staffing pattern specified in Annexure IV and V as the case may be.

- (a) On account of either change of curriculum or reduction of student strength, the work load of a teacher educator / lecturer in a particular subject or any other teaching and non-teaching staff does not warrant his continuation in a particular institution.
 - (b) Closure of institution due to lack of infrastructural facilities, dispute within the management or between management and staff members or any other reason which may be recorded in writing.
 - (c) The employee does not possess the required educational qualification.
 - (d) Where the competent authority or the Government deletes for reasons to be recorded in writing the post from salary grant.
 - (e) For any of the above or for any other reason recorded in writing as the Government may deem fit.
- (2) The procedure to be followed by the Governing Council for retrenchment of an employee of an institution shall be as follows :-
- (a) No employee of an institution whose appointment has been approved with aid by the Department shall be retrenched by a Governing Council except for reasons specified in sub-rule (1) of section 98.
 - (b) Where retrenchment is due to the employees becoming surplus, the Junior most employee in terms of seniority list maintained in accordance with rule 8 in the particular cadre and subject, shall be retrenched.
 - (c) A notice shall be issued to the employee proposed to be retrenched stating the reasons in writing for such retrenchment, giving the employee an opportunity to submit his written statement of object if any within fifteen days from the receipt of such notice.
 - (d) On receipt of the written objection received from the employee, he shall be afforded an opportunity to explain his stand in person if such request has been made by him / her in the written statement.
 - (e) The Governing Council shall on the basis of grounds so established send proposals to the competent authority.
 - (f) The Competent Authority shall on receipt of the proposal, verify the same and after ascertaining the facts, that:-
 - (i) the reason stated in the proposal are in conformity with the reasons stated in sub-rule (1);
 - (ii) that the employee is junior most as per the seniority list maintained by the management in the particular subject and cadre;
 - (iii) accord approval to the Governing Council to retrench the employee so proposed by giving one month's notice or one month's salary in lieu of the same.
 - (g) The competent Authority shall thereafter withdraw salary grant in respect of such excess / retrenched staff.
- (3) If the Governing Council does not send the proposal, in accordance with clause (e) of sub-rule (2), the Competent Authority may given directions to the Governing Council to send proposal within a period of one month, if the Governing Council fails to send the proposal over thereafter salary grants for institution shall be liable to be withdrawn totally.

11. Procedure to be followed by Competent Authority under section 98 :- (1) The Competent Authority may either suomotu after personally ascertaining facts or on the report of one of the subordinate officers initiate action to retrench an employee by following directions to the Governing Council after having fully satisfied that retrenchment is called for due to any one or more of the reasons specified in rule 10 or section 98.

(2) The Competent Authority shall cause a list of all eligible and qualified retrenched employees to be maintained at the State Level. The list of teacher educators / lecturers shall be prepared subject-wise and cadre-wise and the list of other non-teaching staff shall also be prepared cadre-wise. The list shall be prepared on the basis of seniority, taking the date of approval of appointment with aid as the basis. The details of category of reservation and roster of such an employee shall also be recorded.

(3) The competent authority shall submit periodically and every time an employee is retrenched, the details of such retrenchment to the head of the department.

(4) The competent authority shall also submit the vacancy position in respect of each of the institution, district-wise, category-wise and in case of teacher educator/lecturers subject-wise and also in case of other categories of teaching and non-teaching staff cadre-wise with details of roster to the Head of the Department.

(5) The competent authority shall publish periodically during every quarter the details of candidates enlisted as per sub-rule (1).

(6) On receipt of the vacancy position, the Government or Competent Authority shall without prejudice to initiating action under sub-rule (1) allot through computerized counselling, the retrenched employee on the basis of seniority and after taking into consideration the subject requirement and reservation and roster point, to any other institution where a regular sanctioned vacancy exists and direct the concerned management to issue appointment order to such candidate and direct such candidates to report for duty in the said institution.

Provided that in all cases where no person is available in the reservation category and roster as per the requirement of the institution, then the senior-most candidate irrespective of reservation and roster shall be allotted.

Provided further that no recruitment shall be made by any aided institution, until the list of retrenched teaching and non-teaching staff are exhausted.

Provided also that the retrenched employee so appointed in the new institution will get seniority in the new institution from the date of joining the institution. However, the services rendered in the earlier institution will count for pay, leave and pensionary benefits.

Provided also further that the retrenched employee who is allotted to a new institution shall not be entitled to any compensation provided under the act.

Provided also that no retrenched employee / staff shall be allotted to a minority institution for being appointed against a vacancy.

Provided also that in so far as minority institutions are concerned, the competent authority on his own verification or on the report of his subordinate officers finds that there is an excess strength of teaching and non-teaching staff on account of reasons mentioned in the above rules shall taken action to retrench the excess teaching and non-teaching staff following the same procedure as specified under these rules. The Competent authority shall withdraw salary grants in respect of such excess / retrenched staff.

12. Transfer of employees from one aided institution to another aided institution :- (1)

Transfer of an employee can be permitted by the competent authority subject to the following conditions :-

- (a) that there is need for filling up the post in terms of subject, strength and attendance.
- (b) that the vacancy so proposed for transfer is a clear vacancy and is in accordance with the staffing pattern.
- (c) the management has clearly mentioned the nature and cause of vacancy supported by facts.
- (d) that an employee receiving salary grant from Government earlier is proposed

for transfer in the place of another employee or post which is also included in salary grant and no employee occupying the post receiving salary grant is proposed for transfer to an unaided post.

- (e) that both the management have consulted.
- (2) The competent authority may grant permission to transfer in the following cases:-
 - (a) in the case of a request by the management or the employee for a transfer within the institution of the same management;
 - (b) in the case of request by management or the employee for a transfer to an institution of different management, with the consent of both the management.

Provided that in case of request by the management or the employee for a transfer within the institutions of the same management or request by an employee for a transfer to an institution belonging to a different management, the head of the department may accord permission for the same, subject to the condition that in respect of transfer involving different management, the employee earns the seniority in the concerned institution from the date of reporting for the duty in the new institution. However, his service in the previous aided Institution will count for the purpose of salary, leave and pensionary benefits. In all other cases of transfer effected within the same management the services in the previous institution shall count for seniority in the new Institution and his service in the previous Institution of the same management shall count for salary, leave and pensionary benefits. Transfer orders of the employees within the institution of the same management or different management shall be issued only by Director of Public Instruction (Research and Training).

13. Closure of Institutions : (1) Institutions not having the prescribed student strength among other factors shall be ordered to be closed down by the competent authority.

(2) Where an institution is so ordered to be closed, the teaching and non-teaching staff working in such institution, shall be retrenched in the manner specified in rule 10 and 11.

(3) Students undergoing course of study in such institutions shall be accommodated in other institutions located nearby the closed institution, as the competent authority may by order direct.

CHAPTER – II DISCIPLINE

14. Nature of Penalties :- One or more of the following penalties for good and sufficient reasons and as hereinafter provided may be imposed on the employees namely:-

- (i) Fine;
- (ii) censure;
- (iii) withholding of increments;
- (iv) withholding of promotions;
- (v) recovery from pay of the employees in whole or part of any pecuniary loss caused by negligence or breach of orders to the governing council, the state government or the central government.

(vi) reduction to a lower stage in a time scale of pay for a specified period with further direction as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increment of his pay;

(vii) reduction to a lower time scale of pay, grade, post of service which, shall, unless otherwise directed, be a bar to the promotion of the employee to the time of pay, grade, post or service from which he was reduced with or without further directions regarding;

- (a) seniority and pay in the scale of pay, grade, post or service to which the employee is

reduced;

(b) conditions of restoration to the scale of pay, grade, post or service from which the employee was reduced and his seniority and pay or such restoration to the scale of pay, grade, post or service.

(viii) compulsory retirement;

(xi) removal from service

(x) dismissal from service;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of disciplinary authority, no penalty other than those specified in clause (viii) to (x) shall be imposed for any established charge of corruption.

Provided further that every order or private management receiving aid from Government keeping employees admitted to grant-in-aid under suspension from service, etc., shall be confirmed by the competent authority who has approved the appointment.

Explanation :- The following shall not amount to be penalty within the meaning of this rule :

(i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the rules or order governing the service or post or terms of his appointment;

(ii) stoppage of pay of the employee at the efficiency bar in the time scale on the ground of his unfitness to cross the efficiency bar;

(iii) non-promotion, whether in a substantive or officiating capacity of an employee after consideration of his case to a grade or post for promotion to which he is eligible.

(iv) reservation to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;

(v) compulsory retirement of an employee in accordance with the provision relating to super annuation or retirement;

(vi) termination of services;

(a) of an employee appointed for three months or less;

(b) of a person employed under an agreement in accordance with the terms of such agreement.

(vii) Retrenchment of an employee.

15. Disciplinary authorities :- (1) The Disciplinary Authority may impose, any of the penalties specified in rule 14 or any employee.

(2) Without prejudice to the provisions of sub-rule (1) the head of the Institution may impose any of the penalties specified in clauses (i) and (ii) of rule 14.

16. Suspension :- (1) The appointing authority may place an employee under suspension under the following circumstances and conditions :-

(a) (i) a disciplinary proceeding against an employee is pending; or

(ii) a case against an employee in respect of any criminal offence is under investigation or court trial; or

(iii) a preliminary inquiry against an employee has made out a "prima facie" case which would justify disciplinary proceeding or criminal prosecution against him and the proceedings are likely to end in his conviction and or dismissal or removal from service; and

(b) the disciplinary proceeding or criminal offences involves one or more of the following misdemeanor:-

(i) moral turpitude;

(ii) corruption, embezzlement or misappropriation;

(iii) negligence and dereliction of duty resulting in considerable pecuniary loss to the institution;

(iv) desertion of duty;

(v) refusal or deliberate failure to carry out written orders of superior authority of the Competent Authority.

(2) Any employee shall be deemed to have been placed under suspension by an order of the appointing authority:

(a) with effect from the date of his detention, if he is detained in custody whether on criminal charge or otherwise, for a period exceeding forty eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

(3) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or an review under these rules and the case is remitted for further inquiry or action or with any other directions the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made on or is deemed to have made the order or by any authority to which that authority is subordinate.

17. Subsistence allowance during suspension : - (1) Every employee placed under suspension shall be entitled to the following payment, namely:-

(a) Subsistence allowance at an amount equivalent to fifty percent of the pay drawn immediately prior to the date of suspension.

Provided that where the period of suspension exceeds six months, the employee shall be entitled to subsistence allowance equivalent to seventy five percent of the pay drawn immediately prior to the date of suspension subject to conditions contained in sub-rule (6) :

Provided further that when an employee is convicted by a competent court and sentenced to imprisonment, no subsistence allowance shall be payable.

(2) Where an employee who has been dismissed or removed or compulsorily retired or suspended is reinstated or would have been reinstated but for his retirement on superannuation while under suspension, the authority competent to order the reinstatement shall consider and make a specific order.

(a) regarding the pay and allowance to be paid the employee for the period of his absence from duty or for the period of suspension ending with the date of retirement or superannuation, as the case may be; and

(b) whether or not the said period shall be treated as the period spent on duty.

(3) Where such competent authority holds that the employee has been fully exonerated, the employee shall be given the full pay to which he would have been entitled had he not been dismissed or removed from service and the period of absence from duty shall not be treated as period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that the payment of allowance under sub-rule (2) or (3) shall not be less than subsistence allowance and other allowance admissible under these rules.

(5) Where on the conclusion of the inquiry against an employee placed under suspension, the authority competent to impose any punishment;-

(i) makes an order fully exonerating or acquitting him, the period during which he was under suspension pending the enquiry shall be entitled to full pay and allowance as if he had not been under suspension;

(ii) makes an order imposing penalty other than the penalty of compulsory retirement from service or dismissal from service, the employee shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in his discretion specify and where no such proportion is specified, the employee shall be entitled to subsistence allowance admissible under these rules and the period of suspension shall count as duty unless the said authority has otherwise directed.

(iii) makes an order imposing the penalty of compulsory retirement from service or dismissal or removal shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in its discretion specify and where no such proportion is specified, the subsistence allowance admissible under these rules and the period of suspension shall not count as duty for any purpose unless the said authority has **otherwise directed**.

(6) The subsistence allowance under these rules and consequential amount to be paid under sub-rule(5) shall be paid from the management from its own funds, except in respect of employees working in aided posts where the suspension is approved by the competent authority.

Provided that the disciplinary authority shall complete the enquiry within a period of six months. In cases, where enquiry other than in criminal cases continue beyond six months, management is liable to pay subsistence allowance.

Provided further that where the delay in enquiry beyond six months is attributable to the employee the subsistence allowance may be restricted to fifty percent or below as deemed fit by the disciplinary authority.

18. Leave while under suspension:- (1) Leave of absence for a definite period is not admissible to an employee who has been suspended from duty and without obtaining the permission of the authority competent to fill up the appointment, an employee under suspension should not leave the station where his office is situated.

(2) No payment of subsistence allowance shall be made unless the employee continues to reside in the station where his office is situated or in the station in which he is permitted by the authority which made or which is deemed to have made the order of suspension.

19. Authority to institute proceedings:- (1) The managing Committee may impose on

the employee any of the penalties specified in clauses (i) to (vii) of the rule 14 expect after:-

(a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehavior on which it is proposed to be taken and giving him a reasonable opportunity for making such representation as he may make against the proposals; and

(b) such representation or explanation, if any, is considered by the Head of the Institution as the case may be;

(2) The record of proceedings in all cases should be a "speaking order."

20. Procedure for imposing minor penalties:- (1) No order imposed on any employee of any of the penalties specified in clauses (i) to (v) rules 14 shall be made except after:-

(a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehavior on which it is proposed to be taken and giving him a reasonable opportunity for making such representation as he may make against the proposals; and

(b) such representation or explanation, if any, is considered by the Board of Management , Manager or the Head of the Institution as the case may be.

(2) The record of proceeding in such cases shall include:

(i) a copy of the intimation to the employees of the proposal to take action against him.

(ii) a copy of the statement of imputations of misconduct or misbehavior communicated to him;

(iii) his representations if any;

(iv) the evidence produced during the inquiry, if any;

(v) the finding on each imputation of misconduct or misbehavior; and

(vi) the orders on the case together with reasons thereof.

21. Procedure for imposing major penalties:- (1) No order imposing any of penalties specified in clauses (iii) to (x) of rule shall be made except after an inquiry is held, in the manner provided in these rules.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation if misconduct or misbehavior or breach of any provision of the code of conduct specified in Chapter-IV against an employee, it may itself inquiry into, or appoint an enquiry officer or an enquiry committee consisting of more than one or more persons.

(3) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, which shall include a statement of allegations on which they are based shall be communicated in writing to the employee and he shall be required to submit within such time as may be specified by the enquiry committee, a written statement of his defence and also to state whether he desires to be heard in person.

(4) The employee shall for the purpose of preparing defence be permitted to

Provided that such permission may be refused if the record for reasons to be recorded are not relevant for the purpose and it is against the interest of the institution to allow his access thereto.

(5) On receipt of the statement of defence in writing by the employee or if no such statement is received within the time specified, the enquiry committee shall proceed with the enquiry.

(6) The disciplinary authority may nominate any person to present its case before the enquiry committee. The employee may present his case with the assistance of any other person approved by the enquiry committee, but may not engage a legal practitioner for the

purpose unless the person nominated by the disciplinary authority to present its case as a legal practitioner or the inquiry committee having regard to the circumstances of the case so permits.

(7) The inquiry committee shall, in the course of the inquiry, consider such documentary evidence and take such other evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross examine the employee and the witnesses examined in his defence. If the inquiry committee declines to examine any witness on the ground, that his evidence is not relevant or material, it shall record its reasons in writing.

(8) At the conclusion of the inquiry, the inquiry committee shall prepare a report of the inquiry, record its findings on each of the charges together with the reasons thereon. If in the opinion of the inquiry committee, original charges differ from those framed, it may record findings on such charges;

Provided that findings on such charges shall not be recorded unless the employee has had an opportunity of defending himself against them:-

The record of inquiry shall include:

(i) the charges framed against the employee and the statement of allegations furnished to him;

(ii) his written statement of defence if any;

(iii) the documentary evidence considered in the course of the inquiry;

(iv) the orders, if any made by the disciplinary authority and the inquiry committee in regard to the inquiry;

(v) the oral evidence taken in the course of the inquiry;

(vi) a report setting out the finding on each charge and the reasons thereof and

(vii) any suggestion of the inquiry committee, if it considers necessary, for the imposition of any penalty.

(9) The disciplinary authority shall consider the report of inquiry and record its findings on each charge.

(10) If the disciplinary authority having regard to its findings on the charges is of the opinion that any of the penalties specified in clauses (iii) to (x) of rule 14 should be imposed, it shall, furnish to the employee a copy of the report of inquiry committee and a statement of its findings, if any.

(11) The disciplinary authority shall consider the representation, if any, made by the employee in response to the notice and determine what penalty, if any, should be imposed on the employee and pass appropriate orders in the case.

(12) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (vi) shall be imposed, it shall pass appropriate orders in the case.

22. Non payment of salary arrears in certain cases:- If the orders of the disciplinary authority imposing penalty of dismissal or removal or compulsory retirement or reduction in rank etc., is subsequently set aside by the court or appellate authority, the government shall not be liable to pay salary arrears and such arrears of salary shall be paid by the Management only.

23. Communication of orders and Appeal:- Orders passed by the Disciplinary Authority shall be communicated to the employees who shall also be supplied with a copy of the report of inquiry committee and statement of its findings if they have not been already supplied to him. Any appeal against any of the penalties imposed by the disciplinary authority except

those specified under section 94 of the Act and also subject to provisions contained in section 94 shall lie to the Director of Public Instruction (Research and Training). Every order of the disciplinary authority imposing any penalty or otherwise affecting his conditions of service to his prejudices, shall be served in person or communicated to the employees by registered post acknowledgement due, and copy of the order be sent to the competent authority at the same time.

Chapter – IV **Code of Conduct**

24. Code of conduct for employees of Educational Institutions:- Maintain absolute integrity, devotion to duty and do nothing which is unbecoming of an employee of an Educational Institution.

25. Professional duties:- (1) (a) Every employee shall:-

(i) be punctual in attendance in respect of his work and any other work connected with the duties assigned to him by the Head of the institution.

(ii) abide by the rules and regulations of the institutions and show due respect to constituted authority.

(b) no employee shall

(i) knowingly or willfully neglect his duties :

(ii) remain absent from the institution without leave or without the previous permission of the Head of the institution;

(iii) include in, or encourage, any form of malpractice connected with examinations or any other institution activity;

(iv) accept private tuition.

(2) The following also constitute mis-conduct:-

(a) indulging in communal activities or propagating casteism;

(b) ill-treatment of students, other employees and including in rowdy or disorderly behavior or violence.

(c) taking part in politics or elections;

(d) joining an Association, the object of which is prejudicial to the interest of the Country;

(e) participation in a demonstration or strike;

(f) criticizing in public and current policies of state or central Government.

(g) accepting contribution or raising collection without previous sanction of the management;

(h) bringing or attempt to bring political or other influence for furtherance of his own interest;

(i) accepting any gift except a casual meal, lift or other social hospitality. However, on social occasions a gift could be accepted if its value is less than Rupees One hundred only or on other occasions, if it is less than Rupees Two hundred fifty only.

(j) giving, taking or abetting the giving or taking of dowry;

(k) engaging in any private trade or employment;

(l) writing or editing any textbook while being a member of the text book committee.

(m) speculating in stock, share or investment.

(n) becoming insolvent and / or getting in to habitual indebtedness.

- (o) non submission of annual Assets and Liability Returns
- (p) acquisition, disposal of movable or immovable properties without previous sanction of management or entering into any transaction with any foreigner or foreign organisation / Government for acquisition and disposal of property;
- (q) acting as a legal guardian of minor other than his dependant without the previous sanction of management;
- (r) contracting another marriage without obtaining permission of the management or entering into a bigamous marriage against the personal law of employee;
- (s) consumption of intoxicating drugs or drinks.

Chapter – V
Leave Rules

26. General Rules:- (1) The leave rules applicable to both teaching and non-teaching staff in Government Educational Institutions shall mutatis-mutandis be applicable to the teaching and non-teaching staff of the aided Educational Institutions.

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

K.G.Hiremath
Under Secretary to Government,
(Incharge)
Education Department (General).

ANNEXURE-1
(See rule – 3)

1. Method of recruitment:- (1) Recruitment under these rules shall be made on the basis of the percentage of total marks secured in the qualifying examination as determined under clause 3 and of the marks secured at the interview under clause 4 by the selecting authority.

2. Advertisement in the News Papers.- The selecting authority of an Educational Institution shall after obtaining prior permission from the competent authority to fill up the vacancies shall notify at least in one leading news paper having largest circulation in the local area inviting applications from candidates indicating therein the number of vacancies and categories of posts etc. In addition to this an institution shall request the concerned Employment Exchanges to send a list of eligible candidates for the purpose of selection. Copy of the advertisement shall also be sent to the Director of Public Instruction (Research and Training) and further to the Principals of concerned D.I.E.Ts in case of T.T.Is and to the concerned Universities in case of B.Ed Colleges for displaying on the Office Notice Board. The management of the institution shall also display the Notification on its Notice Board.

3. Eligibility of Candidates for the Interview:- (1) For the purposes of selection of candidates for the interview, the selecting shall prepare a list of names of candidates on the basis of the percentage of total marks in the qualifying examination, in the order of merit and if two or more candidates have secured equal percentage of total marks in the qualifying examination the order of merit in respect of such candidates shall be fixed on the basis of their age, the person older in age being placed higher in the order of merit. Candidates as equal to ten times the number of vacancies notified, selected in the order of merit, shall be eligible for interview.

(2) Where posts are reserved for Scheduled Castes, Scheduled Tribes, Backward Tribes or other Backward classes and the required number of candidates in terms of sub-clause (1) belonging to such castes, tribes or other classes are not eligible for the interview, then, notwithstanding anything contained in sub-clause (1) such number of candidates as will make up the deficiency, belonging to such castes, tribes or classes selected in the order of merit on the basis of the percentage of total marks secured in the qualifying examination from the list of names of candidates shall also be eligible for the interview.

4. Qualifying Examination:- For the purposes of this rule:-

(a) Qualifying examination means the examination or examinations prescribed as the minimum qualification required for appointment in the rules of recruitment to the post concerned, specified in Annexure-III.

(b) Where the qualifying examination consists of more than one examination shall be the average of percentage of total marks secured in those examinations.

(c) Where different qualifying examinations have been prescribed alternatively in the rules of recruitment applicable to a post of or category of posts and a candidate has passed more than one such qualifying examination, the percentage of total marks obtained in such qualifying examination in which he has obtained highest percentage of total marks shall be taken into consideration.

5. Interview:- (1) Selecting authority shall interview the eligible candidates selected under clause-3 and award marks on the basis of their performance in the interview. The maximum marks for interview shall be fifteen.

(2) The selecting authority shall publish on the notice board or its office on the day on which interview is held or on that day following but before the commencement of the interview

on that day, a list of marks obtained by each candidates in the said interview.

Provided that where the interview is held in any place other than the place of its office, the said list shall also be published in such other place in addition to the office.

6. List of selected candidates:- (1) The selecting authority shall on the basis of the aggregate of percentage of the total marks secured in the qualifying examination as determined under clause 4 and of the marks secured at the interview under clause 5 and taking into consideration the orders in force relating to reservation of posts for Schedules Castes, Scheduled Tribes, Backward Tribes and other Backward Classes prepare in the order of merit a list of candidates eligible for appointment to the cadre or post and if the aggregate of the percentage of total marks secured in the qualifying examinations as determined under clause 4 and of the marks secured at the interview under clause 5 two or more candidates is equal, the order of merit in respect of such candidates shall be fixed in accordance with clause 4. The number of names of candidates to be included in such list shall be equal to the number of vacancies notified.

(2) The selecting authority shall in accordance with the provisions of sub-clause (1) also prepare an additional list of names of candidates not included in the list prepared under sub-clause (1) in which the number of candidates to be included shall, as far as possible, be ten percent of the number of vacancies notified.

Provided that if the appointing authority so requires the number of candidates to be included in the list shall be such as may be specified by the appointing authority but not exceeding fifty percent for the number of vacancies notified.

(3) The lists so prepared under sub-clauses (1) and (2) shall be published in such manner as the competent authority and a copy thereof shall be sent to the appropriate appointing authority.

7. Appointment of candidates:- (1) Proposals shall be sent to the Competent Authority in respect of candidates whose names are included in the list published under sub-clause (1) of clause 6. The Competent Authority shall after verifying that the selection procedure as prescribed under the rules has been complied with, convey approval for appointment of the selected candidates. In case the selection is not in accordance with the procedure prescribed under these rules the competent authority shall convey rejection recording the reasons for such rejection in writing. Such approval or rejection shall be conveyed by the competent authority within 90 days from the date of receipt of proposal in his office. Candidates shall be appointed by the Appointing Authority only after such approval by the Competent Authority and salary of such candidates shall be payable from the actual date of joining duty. The management shall be liable for payment of salary till the date of admission of such posts into grant-in-aid.

(2) The inclusion of the name of a candidate in any list published under clause 6 shall not confirm any right of appointment.

(3) The list of candidates published by the selecting authority under clause 6 shall cease to be operative as from the date of publication of a list prepared in respect of such cadre or post on the basis of next selection.

(4) Candidates whose names are included in the main lists prepared in the manner indicated above may be appointed in the vacancies in the order in which names appear in the list.

ANNEXURE-II
(See rule-3)

List of Benefits not Admissible in Respect of
Employees of Aided Institutions

- 1) Benefits not available for service rendered during the unaided period for purpose of fixation of pay, leave and pension or any other service benefits by the Government.
- 2) Weightage of five years for calculation of qualifying services of an employee who retries on voluntary basis.
- 3) Medical reimbursement facilities
- 4) Festival advance, House Building Advance, House Purpose Advance or any type of Advance.
- 5) Transfer Travelling Allowance and Daily Allowance.
- 6) Invalid pension before the completion of qualifying service of fifteen years.
- 7) Such other conditions or benefits as may be specified by order of the State Government from time to time.
- 8) In respect of retirement benefits, no employee who has retired between 1-4-1995 to 31-3-1998 shall be entitled to merger of 90% DA to Basic Pay for calculation of DCRG. In respect of employees retiring after 31-3-1998, DCRG will be calculated as per specific orders issued by the Education Department in this behalf from time to time.

Annexure-III
(See rule – 3)

CATEGORY OF POSTS AND QUALIFICATIONS

I In Teachers Training Institutes with an intake capacity of 30 candidates each in I year T.C.H. and II Year T.C.H. Classes.

Category of Posts	Number of posts	Minimum Qualification
1. Principal/ Superintendent	As per approved staffing pattern specified in Annexure IV	1. As prescribed under the Norms and Standards for Teacher Education Institutions. (Elementary), by the N.C.T.E. New Delhi and
2. Graduate Teacher		2. As prescribed under Karnataka Education Department services (Department of Public Instruction) (Recruitment Rules) 1967, as amended from time to time.
3. Craft Teachers		
4. Part time teachers to teach Kannada, Hindi, Drawing, Music and Physical Education, Tamil, Telugu, Urdu, Marathi.		
5. Second Division Clerk/Office Assts.		
6. Class IV		

II. In Colleges of Education Imparting B.Ed. Course with an Intake capacity of 100

candidates:-

<ol style="list-style-type: none"> 1. Principal/Head 2. Reader/lecturer 3. Librarian 4. Library Clerk/ Library Asst. 5. First Division Clerk/First Division Asst./ Accountant/Head Clerk 6. Attenders-For library & Office. 7. Watchmen 8. Scavenger 9. Peons/Class IV 10. Technician (Film Operator or Mechanic) 11. Clerk-cum- Typists 	<p>As per approved staffing pattern specified in Annexure-V</p>	<ol style="list-style-type: none"> 1. As prescribed under the Norms and Standards for Teacher Education Institutions. (Elementary), by the National Council for Teacher Education, New Delhi and 2. As prescribed under Karnataka Education Department services (Department of Public Instruction) (Recruitment Rules) 1967, as amended from time to time.
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**Annexure-IV
(See rule-3)**

**Standard Staffing Pattern for Teachers
Training Institutions**

Imparting T.C.H. Course

In Teachers Training Institutions with a minimum students attendance of 30 each in I Year T.C.H. and II Year T.C.H. Classes, following teaching posts and non-teaching posts may be sanctioned.

1. Principal/ Superintendent	1 (one)
2. Graduate Teacher Educators/Lecturers {Lecturer for General Subjects (01) Lecturers in Methodology of teaching school Subjects (03) and lecturer in Educational Technology (01)}	5 (five)
3. Craft Teachers	2(two)
4. Part time teachers to teach Kannada, Hindi, Drawing, Music and Physical Education, Tamil, Telugu, Urdu, Marathi.	5 (five)
5. Second Division Clerk/Office Assistant	1(one)
6. Class IV	1(one)

Note:- A Part time Language Teacher will have to be approved for each Language with a minimum strength of 10.

2. For every additional section sanctioned, subject to the provisions of clause-(d) of Rule 10 of Grant-in-Aid Code for Primary Teachers' Training Institutions, one additional Graduate Teacher Educator/lecturer will be admitted, where the work load, warrants the appointment of a full time teacher in place of part time teacher, normally admissible as per the above pattern. Specific approval of the Director of Public Instruction (Research and Training) should be obtained before the full time appointment is actually made.

3. Total number of Teacher Educators/lecturers to be appointed will have to be calculated as per Teacher Pupil ratio of 1:12.

4. The total number of non-teaching posts as mentioned above, shall be the same for an institution, irrespective of the number of sections in I year T.C.H. and II Year T.C.H. Classes in that Institution.

Annexure-V

(See rule 3)

Standard Staffing Pattern for Colleges of Education Imparting B.Ed. Course.

In Colleges of Teachers Education imparting B.Ed. Course with an intake capacity of 100 students, the following teaching and non-teaching posts may be sanctioned.

1. Principal/Head	- 1(one)
2. Readers/lecturers	- 9(nine)
3. Librarian	- 1(one)
4. Library Clerk/Library Assistant	- 1(one)
5. First Division Clerk/First Division Asst./Accountant/Head Clerk	- 2(two)
6. Attenders for library and Office	- 3(three)
7. Watchman	- 1(one)
8. Scavenger	- 1(one)
9. Peons/Class IV	- 4(four)
10. Technician (Film Operator or Mechanic)	- 1(one)
11. Clerk-cum-Typists	- 2(two)
12. Physical Education Instructor	- 1(one)

Note:- 1) Out of three attenders, one will be for the Library and the other two will be for Office.

2) Library Clerk/Library Assistant can be appointed only if the number of Volumes in the library exceeds 10,000 books.

3) Total number of Reader/Lecturers to be appointed in an institution will have to be calculated on the basis of teacher pupil ratio of 1:10. for this purpose, the post of Principal/Head to be included while calculating Teacher-Pupil ratio.

4) Out of 9 Lecturers, at least two for general subjects, five lecturers for methodology of teaching school subjects, one lecturer in Educational Technology should be appointed.

Form-I
(See Rule – 5)

1. Name of the employee
2. Father's name
3. Date of birth
4. Qualification
5. Date of appointment
6. Nature of appointment – Permanent/temporary
7. Name of the Post to which appointed
8. Scale of pay
9. Reservation category to which the employee belongs to
10. Whether appointment approved or not
11. Date of approval & reference
12. If approved, whether it is with aid or without aid details to be furnished.
13. Any other details

Signature of the Head of the Institution

Form – II
(See Rule – 9)

I,.....
working as in
..... Institution Management, voluntarily
tender my resignation w.e.f. for
..... reasons.

(i) I request that my resignation may be accepted with effect from
.....(one month thereafter).

(ii) I request that my resignation may be accepted with immediate effect. I surrender one month's salary in lieu of one month's notice as provided under rule 9 of Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Colleges of Education and Teachers Training Institutes) Rules, 2000).

Signature of the employee

Date :

Name of the Employee

Place :

(In Block Letters)

[Note: Strike off (i) or (ii) above which is not applicable]

The Karnataka Tutorial Institutions (Registration and Regulation) Rules, 2001

Arrangement of Sections

1. Short title commencement
2. Definitions
3. Procedure for registration of Tutorial Institution
4. Registration of existing Tutorial Institutions
5. Conditions for registration of Tutorial Institutions
6. Inspection of Tutorial Institutions
7. Annual Reports
8. Duty of an Inspection Authority to send Teachers Report to the Registering Authority
9. Prohibition or appointment or Lecturer/Teachers and non-teaching staff in the Tutorial Institutions
10. Maintenance of Registers
11. Power to cancel Registration
12. General Instruction
Form-I
Form-II

**THE KARNATAKA TUTORIAL INSTITUTIONS
(REGISTRATION AND REGULATION) RULES, 2001
EDUCATION SECRETARIAT
NOTIFICATION**

[No. ED 43 ViVida 2000, Bangalore, dated: 5th March, 2002]

Whereas the draft of the Karnataka Tutorial Institutions (Registration And Regulation) Rules, 2001 was published as required by in exercise of the powers conferred by section 35 read with section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) in Notification No. ED 43 Vivida 2001 dated 2.11.2001 in part IV-A of the Karnataka Gazette Extraordinary dated 5.11.2001 inviting objections and suggestions from the persons likely to be affected thereby.

And whereas the said Gazette was made available for the public on 5th November 2001. And no objections and suggestions received in this regard.

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 makes the following Rules namely:-

1. Short title and commencement.- (1) These rules may be called “The Karnataka Tutorial Institutions (Registration And Regulation) Rules, 2001”.

(2) They shall come into force at once.

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

(a) ‘Act’ means a Karnataka Education Act, 1983;

(b) ‘Form’ means the form appended to these rules;

3. Procedure for registration of Tutorial Institution.-

(1) Applications for registration of a Tutorial Institution under clause (a) of sub-section (1) of section 35 shall be made in Form-I to the registering authority by delivering it in person or sending it through registered post acknowledgement due.

(2) Every such application for registration by the Tutorial Institutions specified in column (2) of the table shall be accompanied by a registration fee as specified in the corresponding entries in column (3) thereof. The registration fee shall be paid in the form of an account payee cheque or deemed draft drawn within one month from the date of application and in favour of the registering authority. The demand draft shall be made payable at the branch of the Bank located in the headquarters of the registering authority or in the surrounding locality.

TABLE

Sl. No.	Class of Tutorial Institutions	Registration fee to be paid
1	2	3
1	Upto Lower Primary Institutions (Standard I to VII)	5,000
2	Secondary School (Standard VII to X)	10,000
3	Pre-University	25,000
4	Degree Courses	25,000
5	Other Courses	25,000

(3) Registration fee once paid shall not be refunded where registration is granted and where registration is refused, the amount of the fee paid shall be refunded without interest to the applicant. The refund shall be made in the form of an account payee cheque drawn by the registering authority on the local treasury where the applicant resides.

(4) The registration fee received under sub-rule (2) shall be held in a personal deposit account opened in the name of the registering authority in the nearest District Treasury.

(5) (a) The registering authority after satisfying itself whether or not the applicant has complied with the provisions of Section 35 and these rules. It may register the institution in the register maintained for the purpose or refuse the registration.

(b) The registration certificate shall be issued in Form-II

(c) The refusal order shall indicate the reasons for refusal and shall be accompanied by the voucher of refund of registration fee.

(d) The Applicants in whose favour the registration certificate is issued shall start the institution and the standard during the academic year as per specifications laid down in the registration certificate and the date of starting shall be intimated to the registering authority. Failure on the part of the Applicant to start the institution and the standard during the specified academic year shall result in automatic cancellation of registration certificate and on no account it will be treated as valid for the subsequent academic years.

4.Registration of existing Tutorial Institutions.- (1) For registration of a Tutorial Institution specified in clause (b) of sub-section (1) of section 35 such Tutorial Institutions shall make an application in Form-I to the registering authority, within a period of ninety days from the date of commencement of these rules or from the date of appointment of the registering authority whichever is later.

(2) The Application under sub-rule (1) shall be accompanied by the fee specified in sub-rule (2) of the 3 and it shall be delivered personally in the office of the registering authority and due acknowledgement obtained or shall be sent by speed post or registered post acknowledgement due.

(3) The provisions of rule 3 shall apply mutatis mutandis in respect of the applications received under this rule.

5.Conditions for registration of Tutorial Institutions.- Conditions for registration of the Tutorial Institutions shall be as follows:-

(a) It should have suitable building with one room for each class, course or section. Each student shall have five to seven square feet space. The number of students in each class, course or section shall not exceed thirty.

(b) Each class room shall have sufficient number of long benches of dual desks and one table and chair for the teacher. Each classroom shall have one black-board, either of wooden or roll up or walled one.

(c) The building shall have sufficient sanitary facilities with proper ventilation and safe drinking water facilities. There shall be separate lavatories for boys, girls and staff;

Note: A certificate shall be obtained from the appropriate authority of the Municipal Corporation, Municipal Council or other Local Authority regarding the sanitary conditions of the building and it shall be produced before the registering authority alongwith the application for registration.

(d) There shall be adequate number to teachers possessing qualification prescribed for the teachers teaching at the corresponding level of Institutions.

6.Inspection of Tutorial Institutions.- (1) The Officer authorised in this behalf shall conduct inspection of tutorial institutions whenever there is a complaint and submit his inspection report to the Deputy Director of Public Instruction if the concerned district.

(2) The Deputy Director of Public Instruction of the concerned district may himself conduct inspection of the Tutorial Institution to find out the financial irregularities and other matters relating to account, records, buildings, libraries, laboratory equipments etc., or any other matter relating to the violation of the Act and rules.

(3) It shall be the duty of every Tutorial Institution to provide the required information to the officers and to produce all the documents required by them for inspection.

7.Annual Reports.- Every Tutorial Institutions registered under these rules shall submit

the Annual Report under sub-section (3) of Section 35 to the Registering Authority within two months after the end of the academic year.

8. Duty of an Inspection Authority to send Inspection Report to the Registering Authority.- Every Inspection Report under sub-rule (1) of rule 6 shall be sent to the Registering Authority by the Inspecting Officer under intimation to the Head of the Department.

9. Prohibition of appointment of Lecturer/Teachers and non-teaching staff in the Tutorial Institutions.- No person in the employment of Government or an aided institution as a Lecturer, Teacher or non-teaching staff shall be appointed in the Tutorial Institutions.

10. Maintenance of Registers.- Every Tutorial Institution shall maintain the following registers and shall keep regular accounts of all receipts and expenditure:

- (1) Register of admissions and withdrawal of pupils;
- (2) Attendance register for pupils;
- (3) Attendance register for teachers;
- (4) Register showing receipts and expenditure;
- (5) Inspection Book; and
- (6) Such other registers as the Registering authority may specify from time to time.

11. Power to cancel registration.- The Registering Authority may cancel the Certificate of Registration if the Tutorial Institution has violated any of the provisions of the Act, the rules, circulars, orders instructions etc issued under the Act. Provided that the cancellation of the Registration under this rules, not be made unless, the Institution is given a reasonable opportunity of being heard.

12. General Instruction.- (1) The Tutorial Institution shall indicate the registration number under which it is registered in all its correspondences with the department or otherwise

(2) The Tutorial Institution shall co-operate with the inspecting officers whenever they visit the institutions for inspection, by providing accessibility to various records and registers, etc.

(3) The Tutorial Institutions shall communicate to the Registering authority whenever there is change in its address or whenever the institution is shifted to different locality or even out of place. However shifting of institution from a place under the jurisdiction of one Registering authority to a place under the jurisdiction of another Registering authority shall not be permitted.

(4) The Tutorial Institution shall obey all the instructions which may be issued by the departmental authorities from time to time.

N. Mahalakshamma

Under Secretary to Government (Incharge)
Education Department (General)

Form No. I
(See Rules 3 & 4)

Application for the Registration of Tutorial Institutions

1. Name and address of the institution.
2. Name and address of the individual owning the institution/proposing to establish a tutorial institution.
3. Aims and objects of the Tutorial Institution in establishing the institution.
4. Date on which the institute has been established or is proposed to be opened.
5. Particulars of the treasury challan under which the prescribed application fee has been paid.

6. Particulars of Registration Deposit amount, if already deposited in the joint account of other District Educational Officer and the individual/Educational agency (documentary evidence to be produced).
7. Whether the applicant is seeking registration of the tutorial institution afresh or of the already existing tutorial institution.
8. Particulars of the original registration, if any (true-copy of the original registration shall be enclosed).
9. Details of the assets and liabilities including the investments in the banks and other commercial concerns.
10. Details of the infra-structural facilities provided in the institution:
 - 1) Accommodation (details of the number of classrooms with dimensions –sketch plan of the building to be enclosed)
 - 2) Details of furniture provided.
 - 3) Details of the equipment and other material provided in the laboratory.
 - 4) Details of the books provided in the library.
 - 5) Details of the sanitary facilities provided (Sanitary certificate issued by Corporation or Municipal medical officer to be enclosed).
11. Details of the teachers appointed, if already appointed such as names, salary/ wages paid, qualification and whether the qualification is adequate to teach the subjects to which they are asked to handle.
12. Clauses/courses in which students are given coaching/proposed to be given coaching.
13. Details of records and registers maintained by the institution, if already opened.
14. Details of other institutions run by the Education agency, if any.
15. Details of hostel facility provided, if any.
16. Any other information the applicant would like to furnish

DECLARATION

I Sri/Smt/Kum..... Son/
 wife/daughter of Sri do
 hereby declare that the particulars furnished above are correct to the best of my knowledge
 and belief. I am prepared to undergo any penal action that may be imposed on me if any of the
 particulars furnished in the application are found to be false and misleading at any time
 subsequently. I further declare that I am prepared to obey the instructions which may be
 issued by the competent authorities from time to time.

Place:
 Date:

Signature of.....
 (with office stamp)

Form No. II
(See Rules 3 & 4)
Proforma for the
Certificate of Registration
Government of Karnataka

*.....

*here specify the Directorate & Department.....

Certificate of Registration

1. Registration No.
2. Name and address of the Tutorial Institution.
3. Address of the tutorial institution:

In exercise of the powers conferred under rules 4 and 5 of the Karnataka Tutorial Institutions (Registration and Regulation) Rules, 2001 and in view of fulfilment of the prescribed conditions to the satisfaction of the authority, the Registering authority is pleased to accord registration, to the Tutorial Institution whose details are mentioned above.

Place:

Signature of Registering Authority
(with office stamp)

Date:

GOVERNMENT OF KARNATAKA

ED43VIVIDHA 2001

Karnataka Government Secretariat,
M.S. Building,
Bangalore, Dated: 5-5-2003

NOTIFICATION

In exercise of the powers conferred by clause (31) of section 2 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) the Government of Karnataka hereby authorized the officers specified in column (3) of the Table below to perform the functions and discharge the duties of the registering authority under section 35 of the said Act and the Karnataka Tutorial Institutions (Registration and Regulation) Rules, 2001, in respect of the areas specified in column (4) thereof.

TABLE

Sl.no	CLASS OF TUTORIAL INSTIUTION	REGISTRING AUTHORITY	JURISDICTION
1	Up to Primary Institutions (standard I to VII)	Deputy Director of the Respective District	Within his jurisdiction
2	Secondary School (standard VIII to X)	Deputy Director of the Respective District	Within his Jurisdiction
3	Pre-University classes including CET Coaching centers	Director , Pre-University Education	The State of Karnataka
4	Degree courses including MBA Coaching centers	Joint Director Collegiate Education	Within his Jurisdiction
5	Technical Education courses polytechnics and Engineers colleges	Joint Director of Technical Education (Curriculum Development)	The State of Karnataka

By order and in the name Of the Governor of Karnataka

(SUNDARA RAJA GUPTH)
Under Secretary to
Education Department
University & Gen

**KARNATAKA EDUCATIONAL INSTITUTIONS (SELECTION
OF PARENT MEMBERS TO THE MANAGING COMMITTEE)**

RULES, 2001

Contents

1. Title and Commencement
2. Definitions
3. Procedure for selection of Parents under Section 42(3)

NOTIFICATION

No. ED 48 Vivida 2001, Bangalore 18th November 2002

Whereas the draft of the Karnataka Educational Institutions (Selection of Parent Members to the Managing Committee) Rules, 2001 was published as requested by sub-section (3) of section 42 read with section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) in Notification No. ED 48 Vivida 2001 dated 26.9.2001 in part IV-A of the Karnataka Gazette Extraordinary dated 27.9.2001 inviting objections and suggestions from the persons likely to be affected thereby.

And whereas the said Gazette was made available for the public on 27th September, 2001.

And whereas no objection and suggestions have been received in this regard by the State Government.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 42 read with section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) the Government of Karnataka makes the following rules namely:-

1. Title and commencement.- (1) These rules may be called the Karnataka Educational Institutions (Selection of Parent Members to the Managing Committee) Rules, 2001.

(2) They shall come into force at once.

2. Definitions.- In these rules, unless the context otherwise required,-

(a) 'Act' means a Karnataka Education Act, 1983 (Karnataka Act 1 of 1995). (b) 'Section' means section of the Act.

3. Procedure for Selection of Parent under Section 42(3).-(1) Parents of the students of the concerned Private Educational Institution may register their names in such Institution. Such registered parents are eligible for being selected as representatives of parents in the Managing Committee of such Institution.

(2) A person nominated by the Governing Council of the Private Educational Institution shall announce the list of registered parents after duly obtaining the same from the Head of the Private Educational Institution before the constitution of the Managing Committee under section 42. He shall not act as the Returning Officer in the said selection. Under no circumstances, the staff members of the Private Educational Institution shall be nominated to act as the Returning Officer.

(3) The Returning Officer appointed by the Governing Council shall call upon the parents so registered to select amongst themselves two persons to represent them on the Managing Committee.

(4) The Returning Officer shall issue an order specifying in particular,-

(a) the last date and time for making nomination and place at which the selection is to be held and to whom the nomination papers shall be delivered;

(b) the date, time and place of scrutiny of the nominations;
(c) the last date for withdrawal of candidates;
(d) the date and time on which selection shall be held, if necessary; and
(e) the date on which and time on which the votes shall be counted and the result of the selection shall be announced.

(5) Amongst the persons contesting the selection two persons who have secured the maximum votes shall be selected to represent the parents in the Managing Committee of such Institution.

(6) If there is no contest, the result of the selection will be forthwith announced by the Returning Officer.

By Order and in the name of the Governor
of Karnataka

Sundara Raja Gupta,
Under Secretary to Government
Education Department
(University and General-I)

THE MYSORE COMPULSORY PRIMARY EDUCATION ACT, 1961
A N D
THE MYSORE COMPULSORY PRIMARY EDUCATION RULES, 1961.

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THE MYSORE COMPULSORY PRIMARY EDUCATION ACT, 1961.
ARRANGEMENT OF SECTIONS.

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GOVERNMENT OF MYSORE

LAW DEPARTMENT

MYSORE ACT No. 9 OF 1961.

*(First published in the Mysore Gazette on the Sixth day of
May 1961.)*

**THE MYSORE COMPULSORY PRIMARY EDUCATION ACT,
1961.**

(Received the assent of the Governor on the Sixth day of May 1961) .

An Act to consolidate and amend the law relating to free and compulsory primary education for children in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to compulsory primary education in the State of Mysore;

BE it enacted by the Mysore State Legislature in the Twelfth Year of the Republic of India as follows : —

**CHAPTER I
PRELIMINARY**

1. *Short title, extent and commencement.*—

1. This Act may be called the Mysore Compulsory Primary Education Act, 1961.
2. It extends to the whole of the State of Mysore.

¹[3 It shall come into force on such date and in such area as the State Government may by notification specify and different dates may be specified for different areas.

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

- ²[1 “academic year” means the year beginning on such date as the State Government may by notification specify with respect to any specified area or with respect to approved schools generally or any approved school or class of approved schools in particular;
- 2 “appointed day” means, with respect to any area, the date notified under sub-section (3) of section 1 for such area;
- 3 “approved school” means any school in any specified area imparting primary education, which—
 - (i) is under the management of the State Government, a local authority, an authorised municipality or a School, or
 - (ii) being under any other management, is recognised by the State Government or by an officer authorised by the State Government in this behalf or by a School Board, as an approved school for the purposes of this Act;

-
1. This Act has come into force on the 1st June 1961, in the whole of the State of Mysore (Vide Notification No. ED 86 PMS -61, dated 31st May 1961).
 2. Specifies the 22nd May as the date on which the academic year begins during every year. (Vide notification No. ED 98 PMS 63, dated 16th April 1963) .

4. "Attendance Authority" means any person having the prescribed qualifications appointed to be an attendance authority under section 5 ;
5. "Authorised Municipality " means a Municipality which is authorised under sub-section (1) of section 16 of the Bombay Primary Education Act, 1947, to control all approved schools within its area ; and " Area of an authorised Municipality " means the area comprised within the limits of such municipality and shall include the area of a non-authorised municipality, approved schools in which vest or are controlled by the authorised municipality;
6. "To attend an approved school" means to be present for instruction at an approved school on so many days in a year and at such time or times on each one of those days as may be fixed by the prescribed authority ;
7. "Child" means a boy or girl within such age group, not being less than six or more than fourteen years at the beginning of the academic year, as the State Government may in each case specify for the purpose of this Act, either generally or with respect to any specified area ;
8. "Director" means the Director of Public Instruction in Mysore and includes the Joint or Additional Joint Director exercising the powers of the Director under this Act;
9. " District Educational Officer " means an officer appointed as such to be in charge of the administration of Primary Education in a district or part of a district;
10. " Local Authority " means—
 - (a) for the City of Bangalore, the Municipal Corporation of the City of Bangalore;
 - (b) for any other urban area, the municipal council, committee or other body by whatever name called constituted for the area under any law for the time being in force in such area ;
 - (c) for a village, the village or town panchayat constituted for such village under the Mysore Village Panchayats and Local Boards Act, 1959 ;
11. " notification " means a notification published in the official Gazette;
12. "parent" in relation to any child, includes a guardian and every person who has the actual custody of the child;
13. "prescribed" means prescribed by rules made under this Act;
14. "primary education" means education in and up to such classes and standards as may be prescribed ;
15. "primary school" means a school or part of such a school in which primary education up to any standard is imparted;
16. "Primary School Panchayat Court " means a primary school panchayat court constituted under Chapter III;
17. "school board" means a district school board or a municipal school board, as the case may be, constituted under the Bombay Primary Education Act, 1947, as in force in the Bombay Area ;
18. "special school" means any institution which imparts such education as, in the opinion of the State Government is suitable for children suffering from any physical or mental defect;
19. "specified area " means any area in which primary education is notified by the State Government to be compulsory under section 3.

CHAPTER II.
INTRODUCTION AND ENFORCEMENT OF COMPULSORY
PRIMARY EDUCATION.

3. State Government to direct by notification Primary Education to be compulsory in specified areas other than the Bombay Area and the Municipalities in the Madras Area and Bellary District.-
 - (1) The State Government may, by order, direct that with effect from the commencement of such academic year, and for children within such age group as may be specified in the order, primary education shall be compulsory in any area which may be so specified, other than the Bombay Area and the local areas constituted as municipalities in the Madras Area and Bellary District.
 - (2) Every order under sub-section (1) shall -
 - (a) be published in the official Gazette and in such other manner as the State Government may decide;
 - (b) be so made as to ensure that there is an interval of not less than thirty days between the date of the publication of the order and the first day of the specified academic year.
 - (3) No order shall be made under sub-section (1) in respect of any area unless the State Government is satisfied that necessary facilities have been provided in that area for imparting primary education to all children to whom the order is intended to apply.
4. Compulsory Education in the Bombay Area and the Municipalities in the Madras Area and Bellary District.-
 - (1) The State Government may, at any time call upon a District School Board or an authorised municipality in the Bombay Area or a municipal council in the Madras Area and Bellary District to submit to it within such time as may be specified, a scheme for compulsory primary education for such area within the jurisdiction of the District School Board or an authorised municipality in the Bombay Area or a municipal council in the Madras Area and Bellary District for children ordinarily resident therein, and of such ages and up to such class or standard as the State Government may specify.
 - (2) The scheme submitted under sub-section (1), shall be in such form as the State Government may specify and shall contain the following particulars : -
 - (a) the area in which primary education will be compulsory;
 - (b) the approximate number of children to whom the scheme will apply classified according to age and mother-tongue, that is, the language spoken by the child at home ;
 - (c) a list of existing approved schools and schools, if any, proposed to be opened for the purpose, classified by language in which instruction is given or is proposed to be given ;
 - (d) the number of teachers employed and the additional staff proposed to be recruited ;
 - (e) the recurring and non-recurring cost of the scheme ; and
 - (f) such other particulars as may be prescribed.

- (3) The State Government may, after making such inquiry as it may consider necessary sanction with or without modification, the scheme submitted by the District School Board, an authorised municipality or a municipal council under sub-section (1) .
 - (4) On receipt of sanction under sub-section (3), the District School Board or an authorised municipality in the Bombay Area or a municipal council in the Madras Area and Bellary District shall give effect to the scheme sanctioned by means of a declaration that with effect from the first day of the specified academic year, primary education shall be compulsory in any area specified in the declaration for children ordinarily resident in that area and within such age group and up to such class or standard as may be specified in the declaration.
 - (5) Every declaration under sub-section (4) shall -
 - (a) be published in the official Gazette and in such manner as the District School Board, an authorised municipality or a municipal council may decide ;
 - (b) be so made as to ensure that there is an interval of not less than thirty days between the date of publication of the declaration and the first day of the specified academic year.
 - (6) No sanction shall be accorded under sub-section (3) in respect of any scheme unless the State Government is satisfied that necessary facilities have been provided for imparting primary education to all children to whom the scheme will apply.
 - (7) When any District School Board or an authorised municipality in the Bombay Area or a municipal council in the Madras Area and Bellary District fails to submit a scheme when called upon to do so under sub-section (1) or give effect to any sanctioned scheme under sub-section (4) to the satisfaction of the State Government, the State Government may cause the scheme to be submitted or the sanctioned scheme to be implemented, as the case may be, by such person or authority as it thinks fit, and the expenses incurred therefor by the State Government shall be paid by the District School Board or an authorised municipality in the Bombay Area or a municipal council in the Madras Area and Bellary District.
 - (8) If the expenses are not so paid, the State Government may make an order directing any person who has for the time being in custody of any moneys on behalf of the District School Board or an authorised municipality in the Bombay Area or a municipal council in the Madras Area and Bellary District, either as banker or in any relation to pay such expenses from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.
5. Attendance authorities and their powers and duties.-
- (1) The Director in areas other than the Bombay Area and the municipalities in the Madras Area and Bellary District of the State and a District School Board or an authorised municipality in the Bombay Area, or a municipal council in the Madras Area and Bellary District, as the case may be, may appoint as many persons as he or it thinks fit to be Attendance Authorities for the purpose of this Act, and may also appoint as many persons as he or it considers necessary, to assist the Attendance Authorities in the discharge of their duties.
 - (2) It shall be the duty of the Attendance Authority to cause to be prepared as early as possible in such manner as may be prescribed a list of children within the age group specified in the order under section 3, or in the scheme under section 4, in any

specified area. Such lists shall also be prepared in every year in every specified area at such time and in such manner as may be prescribed.

- (3) The Attendance Authority or any person appointed to assist the Attendance Authority may put such questions to any parent or require any parent to furnish such information, about his child, as it or he considers necessary, and every such parent shall be bound to answer such questions or to furnish such information, as the case may be, to the best of his knowledge or belief.
 - (4) It shall be the duty of the Attendance Authority to notify the parent of every child to whom the order under section 3 or the declaration under section 4 applies, but against whom no attendance order has been passed under section 9, that he is under an obligation to cause the child to attend an approved school with effect from the commencement of the specified academic year.
6. Responsibility of parent to cause his child to attend school.—It shall be the duty of the parent of every child to cause the child to attend an approved school, unless there is a reasonable excuse for his non-attendance within the meaning of section 7.
 7. Reasonable excuse for non-attendance.—For the purpose of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of the child at an approved school, namely : -
 - (a) that there is no approved school within the prescribed distance from his residence;
 - (b) that the only approved school within the prescribed distance from the residence of the child to which the child can secure admission is one in which religious instruction of a nature not approved by his parent is compulsory ;
 - (c) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by the State Government in this behalf;
 - (d) that the child has already completed primary education upto the standard specified in the order under section 3 or the declaration under section 4 ;
 - (e) that the child suffers from a physical or mental defect which prevents him from attendance ;
 - (f) that the child has been granted temporary leave of absence not exceeding the prescribed period by the prescribed authority or by any other person authorised by the prescribed authority in this behalf;
 - (g) that there is any other compelling circumstance which prevents the child from attending school, provided the same is certified as such by the Attendance Authority;
 - (h) such other circumstance as may be prescribed.
 8. Special schools for physically or mentally deficient children.—If there is in existence a special school within the prescribed distance from the residence of a child who is suffering from a physical or mental defect, the attendance authority may, if it is satisfied that the child is not receiving any instruction in some other manner considered by it to be satisfactory, by order require the child to attend the special school; and it shall be the duty of the parent of such child to cause the child to attend the special school unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (f) of section 7.

9. Attendance orders.—
- (1) Whenever the Attendance authority has reason to believe that the parent of the child has failed to cause the child to attend an approved school and that there is no reasonable excuse for the non-attendance of the child within the meaning of section 7, it shall hold an inquiry in the prescribed manner.
 - (2) If, as a result of the inquiry, the Attendance Authority is satisfied that the child is liable to attend an approved school under this Act, and that there is no reasonable excuse for his non-attendance within the meaning of section 7, it shall pass an attendance order in the prescribed form, directing the parent to cause the child to attend the approved school with effect from the date specified in the order.
 - (3) An attendance order passed against a parent in respect of his child under this section shall, subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.
 - (4) If any parent against whom an attendance order has been passed in respect of his child under sub-section (2) transfers the custody of the child to any other person during the period in which the attendance order is in force, such parent shall be bound immediately to inform the Attendance Authority in writing of such transfer.
 - (5) Where the attendance order has been passed against a parent in relation to his child under this section, such order shall have effect in relation to any other person to whom the custody of the child may be transferred during the period in which the attendance order is in force, as it has effect in relation to the person against whom it was originally passed.
 - (6) A parent may, at any time, apply to the Attendance Authority for cancellation of the attendance order on the ground-
 - (i) that he is no longer the guardian or the person in actual custody of the child ;
or
 - (ii) that circumstances have arisen which provide a reasonable excuse for non-attendance ; and thereupon, the Attendance Authority may, after holding an inquiry in the prescribed manner, cancel or modify the attendance order.
10. Children not to be employed so as to prevent them from attending school. - No person shall employ a child in a manner which shall prevent the child from attending an approved school.
11. Primary education to be free. —
- (1) No fee shall be levied in respect of any child for attending an approved school, which is under the management of the State Government, a local authority or a School Board as the case may be.
 - (2) Where in respect of any child an attendance order has been passed under section 9 and the only school which ; he can attend is an approved school under private manage- ment falling within sub-clause (ii) of clause (3) of section 2, the School Board or the Director may take such steps, as it or he may think fit, for the purpose of ensuring that the primary education which the child is to receive is free.
12. Age of child how to be computed.- The age of child for the purposes of this Act shall be computed in terms of years completed by the child on or before the first day of the academic year:

Provided that where the birth day of a child falls on a day not later than sixty days from the first day of the academic year, the birth day shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child.

13. Penalty for contravention of section 9.- (1) If any person fails to furnish any information as required by subsection (4) of section 9, he shall on conviction be punished with fine which may extend to twenty-five rupees. (2) If any parent fails to comply with an attendance order passed under section 9, he shall, on conviction, be punished with fine not exceeding two rupees, and, in the case of a continuing contravention, with an additional fine not exceeding fifty naye paise for every day during which such contravention continues after conviction for the first of such contraventions:

Provided that the amount of fine in any one (not exceed one hundred rupees).

14. Penalty for contravention of section 10. - If any person contravenes the provisions of section 10, he shall, on conviction, be punished with fine which may extend to twenty - five rupees, and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions.
15. Courts competent to try offences. - The courts competent to try offences under this Act shall be the following : -
- (a) if the person committing the offence resides in an urban area in which one or more courts of a magistrate is located, such court having jurisdiction over the area in which such person resides;
 - (b) if the person committing the offence reside in any urban area, other than an area referred to in clause (a), within the jurisdiction of a local authority constitute and functioning for the area under any law for the time being in force, the Primary School Panchayat Court constituted as specified in section 16 for that area;
 - (c) if the person committing the offence resides in any village within the jurisdiction of a village panchayat or a town panchayat constituted and functioning under the Mysore Village Panchayats and Local Boards Act, 1959, Primary School Panchayat Court constituted as specified in section 16 for that village;
 - (d) if the person committing the offence resides in any area other than an area to which clause (a), (b) or (c) is applicable, the Court of the Magistrate having jurisdiction in such area.

CHAPTER III

PRIMARY SCHOOL PANCHAYAT COURTS.

16. Constitution and Powers of a Primary School Panchayat Court. - (1) Every Primary School Panchayat Court shall consist of the following three members, namely :-
- (a) In the case of an urban area referred to in clause (b) of section 15
 - (i) the President or Chairman of the local authority of such urban area;
 - (ii) the Vice-President or Vice-Chairman of the local authority of such urban area;
 - (iii) a lady member of such local authority, and where there is no lady member, any other member of such local authority, appointed by the Director.
 - (b) in the case of a village referred to in clause (c) of section 15,
 - (i) the Chairman of the Village Panchayat or Town Panchayat, as the case may be;

- (ii) the Vice-Chairman of the Village Panchayat or Town Panchayat as the case may be ;
 - (iii) a lady member of the Village Panchayat or Town Panchayat, as the case may be, appointed by the Director.
- (2) The President or the Chairman shall be the Chairman of the Primary School Panchayat Court, and in absence of the President or the Chairman, the Vice-President or the Vice-Chairman shall be the Chairman of the Court.
 - (3) Two members shall form a quorum for the hearing and disposal of any matter by the Primary School Panchayat Court under this Act.
 - (4) In the event of any difference of opinion among the members of the Primary School Panchayat Court, the opinion of the majority shall prevail, but, where there is no majority, the opinion of the Chairman of the Court shall prevail.
 - (5) The Primary School Panchayat Court shall in respect of cases relating to an offence punishable under this Act have the same powers as a Magistrate of the second class has under the Code of Criminal Procedure, 1898, in respect of offences.
17. Procedure of Courts.-
- (1) The Court of a Magistrate, is trying an offence under this Act, shall follow the procedure provided in Section 263 of the Code of Criminal Procedure, 1898.
 - (2) A Primary School Panchayat Court shall, in trying any offence under this Act, follow the procedure provided for the trial of summons cases under Chapter XX of the Code of Criminal Procedure, 1898.

CHAPTER IV MISCELLANEOUS.

18. *Cognizance of offences.* - No Court shall take cognizance of an offence under this Act, except on the complaint of an Attendance Authority or any other person authorised in this behalf by the State Government general or special order.
19. *Certain persons to be public servants* - The Attendance Authority, every person appointed to assist Attendance Authority under sub-section (1) of section 5 and every person authorised to make complaints under section 18, and every member of the Primary School Panchayat Court shall be deemed to the public servant within the meaning of section 21 of the Indian Penal Code
20. *Protection of action taken in good faith* - No suit, prosecution or other legal proceeding shall lie the State Government or any authority or person in of anything which is in good faith done or intended to done under this Act.
21. *Power to exempt.* - If the State Government satisfied that it is necessary or expedient so to do in public interest or that circumstances exist which render it necessary so to do, it may, by notification, exempt any class persons in any specified area from the operation of all any of the provisions of this Act.
22. *Grant in-aid.*—The State Government shall in respect of every scheme submitted by an authorised municipality and sanctioned under section 4, bear such percentage of the recurring and non-recurring cost of the scheme as it may from time to time determine.
23. *Delegation of powers.*—
 - (1) The State Government may, by ³[notification and subject to such conditions. as may be specified in the notification, authorise any officer or authority subordinate

to it to exercise all or any of the powers conferred on the State Government by this Act, except the power under sub-section (3) of Section 1, Section 24 and Section 26.

- (2) The Director may, by general or special order, and with the previous approval of the State Government, and subject to such conditions as may be specified in the order, authorise any officer or authority subordinate to him to exercise all or any of the powers conferred on the Director by or under this Act.
- (3) Nothing in this section shall derogate from the right of the State Government or the Director to exercise any or all of the powers delegated by it or by him, as the case may be, to any subordinate officer or authority.

24. *Power to make rules.*—

- (1) The State Government may, by notification and after previous publication, make rules to carry out the purposes 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 classes or standards, education in or up to which shall be considered as primary education;
 - (b) the manner in which lists of children may be prepared by the Attendance Authority in any specified area;
 - (c) the distance beyond which a child cannot be compelled to attend an approved school;
 - (d) the form in which an attendance order under this Act shall be passed;
 - (e) the manner in which an inquiry under this Act may be held;
 - (f) the registers, statements, reports, returns and other information to be maintained or furnished by an approved school for the purpose of this Act
 - (g) any other matter which has to be or prescribed under this Act.
- (3) Every rule made under this section shall be laid as soon as may be, after it is made, before, each House the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the sessions it following, both Houses agree in making any in two 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 annulment shall be without prejudice to the validity of anything previousl; done under that rule.

25. *Repeal and Savings.*- On the date on which primary education becomes compulsory in any specific area, the Hyderabad Compulsory Primary Education Act, 1952 (Hyderabad Act XL of 1952), Chapter V of the Madras Elementary Education Act, 1920, (Madras Act VIII of 1920), Chapters VI and VII of the Mysore Elementary Education Act, 1941, (Mysore Act VI of 1941), and Chapter VI and Section 52 of the Bombay Primary Education Act, 1947, (Bombay Act LXI of 1947), shall stand repealed in such area:

3. Vide Notification No. ED 98 PMS 61, dated 19th June 1961 and Notification No. ED 98 PMS 61, dated 28rd June 1961.

Provided that such repeal shall not affect -

- (a) the previous operation of the, said enactments or anything duly done or suffered thereunder;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or
- (c) any liability or punishment incurred in respect of any offence committed against the said enactments ; or
- (d) any investigation, legal proceeding or in respect of any such right, privilege, obligation, liability, or punishment as aforesaid;

and any such investigation legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the, preceding proviso

- (a) anything done or any action taken (including any appointment or delegation made, notification, order, instrument or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained) under the said enactments shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this act.
- (b) every scheme of compulsion sanctioned or deemed to have been sanctioned under the Bombay Primary Education Act, 1947, in force in the Bombay Area immediately before the appointed day, shall be deemed to be a scheme sanctioned under this Act and shall continue to be in force accordingly;
- (c) every resolution or scheme notified in the official Gazette under section 46 of the Madras Elementary Education Act, 1920, and in force in the Madras Area or Bellary District immediately before the appointed day, shall be deemed to be a scheme sanctioned under this Act, and shall continue to be in force accordingly.

26. Power to remove difficulties.-

- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions not inconsistent with the purposes of this Act as appear to it to be necessary or expedient for removing the difficulty.
- (2) The provisions made by a notification under sub-section (1) shall have effect as if enacted in this Act, and any such notification may be made so as to be retrospective to any date not earlier than the appointed day:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any notification as makes any provision thereof retrospective to any date before the making thereof.

THE
KARNATAKA COMPULSORY PRIMARY EDUCATION
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 1969
KARNATAKA ACT NO. 18 OF 1969

(First published in the Karnataka Gazette Extraordinary on the Tenth day of
September, 1969)

THE KARNATAKA COMPULSORY PRIMARY EDUCATION
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 1969

(Received the assent of the Governor on the Eighth day of September, 1969)

An Act to amend the Karnataka Compulsory Primary Education Act, 1961, and to provide for certain other matters.

Whereas it is expedient to amend the Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961), and to provide for certain other matters;

Be it enacted by the Karnataka State Legislature in the Twentieth Year of the Republic of India as follows:—

1. Short title and commencement. -

(1) This Act may be called the Karnataka Compulsory Primary Education (Amendment and Miscellaneous Provisions) Act, 1969.

(2) Section 14 shall come into force at once, clause (iv) of Section 2, Sections 7, 8 and 12 and sub-section (1) of Section 15 shall be deemed to have come into force on the first day of April, 1969 and the other provisions of this Act shall be deemed to have come into force on the 21st day of May, 1969.

2. Amendment of Section 2.—In Section 2 of the Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961) (hereinafter referred to as the principal Act).—

(i) in clause (3).-

(a) for sub-clause (i), the following sub-clause shall be substituted, namely.—

“(i) is under the management of the State Government or a local authority; or”

(b) in sub-clause (ii), the words “or by a School Board” shall be omitted;

(ii) clause (5) shall be *omitted*,

(iii) in clause (10), after sub-clause (a), the following sub-clause shall be *inserted*, namely:—

“(aa) for the City of Hubli-Dharwar, the Municipal Corporation of the City of Hubli-Dharwar”;

(iv) clause (16) shall be *omitted*;

(v) clause (17) shall be *omitted*.

3. Amendment of Section 3. - In Section 3 of the principal Act,—

(1) in the heading, the words “other than the Bombay Area and the Municipalities in the Madras Area and Bellary District”, shall be omitted;

(2) in sub-section (1), the words “other than the Bombay Area and the local areas constituted as municipalities in the Madras Area and Bellary District” shall be omitted.

- 4. Omission of Section 4.**—Section 4 of the principal Act shall be omitted.
- 5. Amendment of Section 5.**—In Section 5 of the principal Act,—
- (1) in sub-section (1),—
 - (i) the words “in areas other than the Bombay Area and the municipalities in the Madras Area and Bellary District of the State and a District School Board or an authorised Municipality in the Bombay Area or a Municipal Council in the Madras Area and Bellary District, as the case may be” shall be omitted;
 - (ii) the words “or it” in the two places where they occur shall be omitted;
 - (2) in sub-section (2), the words and figure “or in the scheme under Section 4”, shall be *omitted*;
 - (3) in sub-section (4), the words and figure “or the declaration under Section 4” shall be *omitted*.
- 6. Amendment of Section 7** - In clause (d) of Section 7 of the principal Act, the words and figure “or the declaration under Section 4” shall be *omitted*.
- 7. Amendment of Section 11.**—In Section 11 of the principal Act —
- (1) in sub-section (1), for the words “a local authority or a School Board”, the words “or a local authority” shall be *substituted*;
 - (2) in sub-section (2), the words “the School Board or” and “it or” shall be *omitted*.
- 8. Omission of Section 15.**—Section 15 of the principal Act shall be *omitted*.
- 9. Substitution of new Chapter for Chapter III** - For Chapter III of the principal Act, the following Chapter shall be *substituted*, namely: -

**“CHAPTER III
Education Cess**

- 16. Levy of Education Cess.**—For the purpose of providing for the cost of promoting primary education in the State, there shall be levied an education cess at the rate of five paise in the rupee on—
- (i) land revenue;
 - (ii) State revenue mentioned in Schedule A; and
 - (iii) items of tax mentioned in Schedule B levied under any law for the time being in force by a local authority.
- 17. Recovery of Education Cess.** - The education cess payable under Section 16 shall be recovered along with land revenue, State revenue or tax on which such cess is levied, and the provisions of the law and the rules, orders and notifications made or issued thereunder for the time being in force, shall apply to the recovery of education cess as they apply in respect of the recovery of the said land revenue, State revenue or items of tax”.
- 10. Amendment of Section 19.**—In Section 19 of the principal Act, the words “and every member of the Primary School Panchayat Court” shall be *omitted*.
- 11. Omission of Section 22.**—Section 22 of the principal Act shall be *omitted*.
- 12. Amendment of Section 25.**—In Section 25 of the principal Act, clauses (b) and (c) of the second proviso shall be *omitted*.
- 13. Addition of Schedules A and B.**—After Section 26 of the principal Act, the following Schedules shall be *added*, namely:—

“SCHEDULE A

Duties of excise leviable under the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) on the following goods manufactured or produced in the State and countervailing duties levied on similar goods manufactured or produced elsewhere:—

- (a) Alcoholic liquors for human consumption;
- (b) Opium, Indian hemp and other narcotic drugs and narcotics.

SCHEDULE B

The following taxes leviable by local authorities under any law for the time being in force, namely:—

- (1) Taxes on buildings and lands.
 - (2) Taxes on vehicles and animals.
 - (3) Taxes on profession, trades, callings and employments.”
14. Transfer of primary schools managed by the Municipal Councils and Panchayats in the Madras Area and Bellary district.—(1) Notwithstanding anything contained in the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959), the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) or any other law,—
- (a) all primary schools managed by—
 - (i) the Municipal Councils in the South Kanara and Bellary districts; and
 - (ii) the Panchayats in the Madras Area and Bellary district;

shall, from such date as the State Government may by notification specify (hereinafter in this section referred to as the appointed day), stand transferred to the State Government and all buildings, records and equipment and all other properties movable or immovable which were vested in or held by or were under the control of such Municipal Councils or Panchayats; for purposes of primary education shall be vested in or held by or be under the control of the State Government;

(b) all primary school teachers and other persons as were employed by such Municipal Councils or Panchayats immediately before the appointed day for purposes of primary education shall, as from the appointed day, become employees of the State Government and shall, until other provision is made, receive the salary and allowances and be subject to the conditions of service to which they were entitled immediately before the appointed day:

Provided that if any such primary school teacher or other person intimates in writing within thirty days from the appointed day the Director of Public Instruction in Karnataka of his intention not to continue as an employee of the State Government, the Director may terminate his services on giving him all the benefits he would have got had he retired from the service of such Municipal Councils or Panchayats immediately before the appointed day;

(c) the amount at the credit of any fund maintained by such Municipal Councils or Panchayats for purposes of primary education shall stand transferred to and be vested in the State Government;

(d) the moneys standing at the credit of all subscribers or depositors in the Provident

Fund, if any, established by such Municipal Councils or Panchayats shall, insofar as it relates to subscribers or depositors who, under clause (b) become employees of the State Government, stand transferred to and be vested in the State Government.

(2) If any question, dispute or doubt arises as to whether any person was employed by such Municipal Councils or Panchayats immediately before the appointed day for purposes of primary education, the decision of the State Government thereon shall be final.

15 Repeal and Savings

(1) The Madras Elementary Education Act, 1920 (Madras Act 8 of 1920), the Karnataka Elementary Education Act, 1941 (Karnataka Act 6 of 1941) and sub-section (1) of Section 41 of the Bombay Primary Education Act, 1947 (Bombay Act 61 of 1947) are hereby *repealed*:

Provided that the provisions of Section 6 of the Mysore General Clauses Act, 1899 (Karnataka Act 3 of 1899) shall be applicable in respect of the repeal of the said enactments.

(2) The Bombay Primary Education Act, 1947 (Bombay Act 61 of 1947) is hereby *repealed*:

Provided that the provisions of Section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act 3 of 1899) shall be applicable in respect of the repeal of the said enactment.

(3) On the repeal of the enactment specified in sub-section (2),—

(i) all the District School Boards and Municipal School Boards constituted under the said enactment shall stand dissolved;

(ii) all primary schools with their lands, buildings, records and equipment and all other properties movable or immovable which were vested in or held by or were under the control of the District School Boards or authorised municipalities for the purpose of primary education immediately before the commencement of this sub-section, shall be vested in or held by or be under the control of the State Government;

(iii) all primary school teachers and other persons as were employed by District School Boards and all primary school teachers and other persons as were employed by authorised Municipalities immediately before the commencement of this sub-section for purposes of primary education shall become employees of the State Government and shall until other provision is made, receive the salary and allowances and be subject to the conditions of service to which they were entitled immediately before the commencement of this sub-section:

Provided that if any such primary school teacher or other person intimates in writing within thirty days from the date of commencement of this sub-section the Director of Public Instruction in Karnataka of his intention not to continue as an employee of the State Government, the Director may terminate his services on giving him all the benefits he would have got had he retired from the service of such District School Board or authorised Municipality immediately before the commencement of this sub-section;

(iv) the amount at the credit of primary education fund, the miscellaneous fees

fund or any other fund maintained by every District School Board and every authorised Municipality in the Bombay Area shall stand transferred to and be vested in the State Government; and

- (v) the moneys standing to the credit of all the subscribers to or depositors in the Provident Fund established for the staff maintained by the District School Boards and Municipal School Boards in the Bombay Area shall stand transferred to and be vested in the State Government.
- (4) If any question, dispute or doubt arises as to whether any person was employed by District School Boards or authorised Municipalities immediately before the commencement of this sub-section for purposes of primary, education, the decision of the State Government thereon shall be final.
- (5) The Karnataka Compulsory Primary Education (Amendment and Miscellaneous Provisions) Ordinance, 1969 (Karnataka Ordinance No. 1 of 1969) is hereby *repealed*: Provided that anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

**THE
KARNATAKA COMPULSORY PRIMARY EDUCATION
(AMENDMENT) ACT, 1975
KARNATAKA ACT NO. 13 OF 1975**

(First Published in the Karnataka Gazette on the First day of May, 1975)

**THE KARNATAKA COMPULSORY PRIMARY EDUCATION
(AMENDMENT) ACT, 1975**

(Received the assent of the Governor on the Twenty-ninth day of April, 1975)

An Act further to amend the Karnataka Compulsory Primary Education Act, 1961.—

Whereas it is expedient further to amend the Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961);

Be it enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title and commencement—

- (1) This Act may be called the Karnataka Compulsory Primary Education (Amendment) Act, 1975.
- (2) It shall be deemed to have come into force on the 21st day of May 1969.

2. Insertion of new Section 17-A.—After Section 17 of the Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961), the following section shall be *inserted* namely:—

“17-A. Local authorities entitled to cost of collection of education cess.—Where the education cess under this Act is recovered by a local authority, such local authority shall be entitled to deduct ten per cent of the amount recovered as the cost of collection and the balance shall be paid to the State Government”.

**THE KARNATAKA (ENHANCEMENT OF CERTAIN CESSES)
ACT, 1976**

KARNATAKA ACT NO. 33 OF 1976

(First published in *the Kamataka Gazette Extraordinary on the Twenty-ninth day of April, 1976*)

(Received the assent of the *Governor on the Twenty-eighth day of April, 1976*)

An Act to amend the Kamataka Compulsory Primary Education Act, 1961 and the Kamataka Health Cess Act, 1962, for certain purposes.

Whereas, it is expedient to amend the Kamataka Compulsory Primary Education Act, 1961 (Kamataka Act 9 of 1961) and the Kamataka Health Cess Act, 1962 (Kamataka Act 28 of 1962) for the purposes hereinafter appearing:

Be, it enacted by the Kamataka State Legislature in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—

- (1) This Act may be called the Kar-nataka (Enhancement of certain Cesses) Act, 1976.
- (2) It shall be deemed to have come into force on the First day of April, 1976.

2. Amendment of Kamataka Act 9 of 1961.— In the Kamataka Compulsory Primary Education Act, 1961 (Kamataka Act 9 of 1961)

- (i) in Section 16, for the words “five paise”, the words “ten paise” shall be substituted;
- (ii) in Schedule B, item (3) shall be omitted.

3. Amendment of Kamataka Act 28 of 1962.—x x x x x.

**THE KARNATAKA EDUCATION CESS
(VALIDATION OF RECOVERY) ACT, 1951**

KARNATAKA ACT NO. V OF 1951

(Received the assent of His highness the Maharaja on the Third day of March 1951)

An Act to validate the recovery of education cess levied and collected in the Civil Station of Bangalore, during the period beginning from the First day of July, 1949 and ending with the Twenty-First day of March, 1950.

Whereas, it is expedient to validate the recovery of education cess levied and collected in the Civil Station of Bangalore by the Municipal Commission of the Civil Station of Bangalore, during the period beginning from the First day of July, 1949 and ending with the Seventh day of December, 1949 and by the city of Bangalore Municipal Corporation during the period beginning from the Eighth day of December, 1949 and ending with the Twenty-First day of March, 1950.

It is hereby enacted as follows:-

1. Short title and Commencement - (1) This Act may be called the Karnataka Education Cess (Validation of Recovery) Act, 1951.

(2) It shall come into force at once.

2. Validation of the collection of education cess. - Notwithstanding anything to the contrary contained in any law, no collection of education cess levied and collected in the civil Station of Bangalore, by the Municipal Commission of the Civil Station of Bangalore, during the period beginning from the First day of July 1949, and ending with the Seventh day of December 1949, and by the City of Bangalore Municipal Corporation, during the period beginning from the Eighth day of December, 1949 and ending with the Twenty-First day of March 1950, shall be called in question in any proceeding before any Court on the ground that the levy and collection of the said cess was not authorised by any law for the time being in force, and anything which has been done during the said period in purported exercise of any such power as is conferred by Section 10 of the Karnataka Elementary Education Act, 1941 (Karnataka Act VI of 1941), and which would have been lawfully done if the Karnataka Elementary Education (Amendment) Act, 1949, (Karnataka Act XVII of 1949), had come into operation on the First day of July, 1949, shall be deemed to have been lawfully done.

**THE KARNATAKA EDUCATION CESS
(VALIDATION OF LEVY) ACT, 1969**

Karnataka Act No. 16 of 1969

*(First published in the Karnataka Gazette, Extraordinary,
on the Tenth day of September 1969)*

(Received the assents of the Governor on the Eighth day of September 1969)

An Act to validate the levy of education cess under the Karnataka Elementary Education Act, 1941

Whereas, it is expedient to validate the levy of education cess on items of excise revenue under the Karnataka Elementary Education Act, 1941 (Karnataka Act 6 of 1941)

Be it enacted by the Karnataka State Legislature in the Twentieth Year of the Republic of India as follows:-

1. Short title and commencement :- (1) This Act may be called the **Karnataka Education Cess (Validation of Levy) Act, 1969**

(2) It shall come into force at once.

2. Amendment of Schedule to Karnataka Act 6 of 1941. - Notwithstanding anything contained in the Karnataka Elementary Education Act, 1941 (Karnataka Act 6 of 1941) as in force prior to the First day of April, 1969 and any rule or order, in the first paragraph of the Schedule to the said Act, the words " on which education cess in now being levied" shall be and shall always be deemed to have been omitted, and for the purpose of the said Act, education cess on all items of excise revenue shall be and shall always be deemed to have been levied in accordance with law.

3. Validation of levy and collection of education cess on excise revenue- Notwithstanding anything contained in any judgment, decree or order of any court or other authority, education cess on all items of excise revenue levied or collected or purporting to have been levied or collected under the Karnataka Elementary Education Act, 1941 (Karnataka Act 6 to 1941) shall, for all purposed, be deemed to be, and to have always been validly levied or collected in accordance with law as if this Act had benign force at all material times when such education cess was levied or collected and accordingly-

- (a) all acts, proceedings or things done or taken by any authority or officer or person in connection with the levy or collection of the education cess on any item of excise revenue shall, for all purpose, be deemed to be and to have always been done or taken in accordance with law;
- (b) no suit or other proceeding shall be entertained or continued in any court for the refund of the education cess so paid; and
- (c) no court shall enforce any decree or order directing the refund of the education cess so paid

4. Repeal of Karnataka Ordinance No. 4 of 1969 - The Karnataka Education Cess (Validation of Levy) Ordinance, 1969 (Karnataka Ordinance No. 4 of 1969) is hereby repealed.

THE MYSORE COMPULSORY PRIMARY EDUCATION RULES, 1961.

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27. Registers to be maintained by an Approved School.

NOTIFICATION

No. ED 86 PMS 61, dated Bangalore, 14th June 1961.

In exercise of the powers conferred by Section 24 of the Mysore Compulsory Primary Education Act, 1961 (Mysore Act 9 of 1961), the Government of Mysore make the following Rules, the same having been previously published *as* required by sub-section (1) of the said Section.

THE MYSORE COMPULSORY PRIMARY EDUCATION RULES, 1961

(As modified upto the end of June 1965)

1. Short title and commencement.-
 - (1) These Rules may be called the Mysore Compulsory Primary Education Rules, 1961.
 - (2) They shall extend to the whole of the State of Mysore.
 - (3) They shall come into force with effect from the Fifteenth day of June 1961.
2. Definitions.- In these Rules, unless the context otherwise requires;-
 - (1) "Act" means the Mysore Compulsory Primary Education Act, 1961.
 - ¹[IA " Administrative Officer " means in the Bombay Area, the officer in administrative charge of District School Boards and Municipal School Boards and in the Madras Area, the officer in administrative charge of Authorised Municipalities in Udipi and Mangalore;
 - (IB) " Assistant Educational Officer" means in the Mysore Area and the Hyderabad Area, the Assistant Educational Officer in charge of a revenue sub-division;
 - (IC) " Form" means a form appended to the rules.
 - (2) " Section " means a Section of the Act.
3. Prescribed Authority ²[for purposes of] Section 2(6).—The Administrative Officers of the School Boards in the Bombay Area and the District Educational Officers in other Areas shall be the authorities to fix the number of days of attendance in a year and .the time of such attendance on each one of those days,
4. Primary Education under Section 2(14).—Primary Education for the purpose of this Act, means education from Standard I to Standard IV inclusive.
5. Preparation of a Scheme fay the Director.—In the case of an area other than the Bombay Area and the local Areas constituted as Municipalities inJthe Madras Area and Bellary District, the Director shall prepare or get prepared by AH officer having juristlicktion over such area, a Scheme of Compulsory Primary Education containing the particulars enumerated in subsection (2) of Section 4 in the Form I noted in the Appendix to these Rules.

1. Inserted by G.S.U. 599, dated 29th June 1965.

2. Substituted by G.S.R. 699, dated 29th June 1965.

6. Preparation of a Scheme under Section 4.- When a District School Board or an authorised Municipality in the Bombay Area or a Municipal Council in the Madras Area and Bellary District, is called upon by an order under Section 4 by Government to submit a scheme for the; introduction of compulsory primary education up to the specified standard in the whole or any part of its area, the Administrative Officer of the School Board or the District Educational geoe concerned shall prepare in consultatSon with the School Board, authorised Municipality or the Municipal Council; as the case may be, a scheme containing particulars specified in sub-section (2) of Section 4, and submit it for approval of Government with an estimate of such scheme in the prescribed form as given in the Appendix (Form-I) so as to reach the Director ³[within a period of thirty days from the date of such order, provided the Director may, under special circumstances, extend the period for receipt of the scheme, by fifteen days]
7. Qualifications of Attendance Authority. - A person to be appointed as an Attendance Authority shall be -
 - (a) an Inspector of Schools, or
 - (b) Deputy Inspector of Schools, or
 - (c) a Junior Deputy Inspector of Schools, or
 - (d) an Assistant Deputy Educational Inspector with five years of experience in the Department, or
 - (e) a trained S.S.L.C. Teacher with five years' service in a Primary School. or
 - (f) a Teacher holding Primary Teachers' Certificate with ten years' service in a Primary School.
8. Manner of preparing a list of children itnder Section 5 (2) - Before the end of December every year, the School Board or the authorised Municipality in the Bombay Area, or the Municipal Council in the Madras Area and Bellary District, and the Director in other areas, shall cause an enumeration to be made of all children within the specified age - group in the area in which compulsion is proposed to be or has been introduced. For this purpose, the Administrative Officer of the School Board or the Commissioner of the authorised Municipalities in the Bombay Area, or the Chief Executive Officer of the Municipal Councils in the Madras Area and Bellary District, and District Educational Officer in other Areas shall, in accordance with such directions as may be given by the Director,
 - (a) publish the dates, as fixed by the Director, on which the enmeration is proposed to be made;
 - (b) appoint the required number of enumerators and supervisors, and assign specific areas to each of them and explain; to them what they are expected to do ;
 - (c) get as accurately as possible, the particulars of each child filled in the enumeration form; and
 - (d) get the enumeration work supervised and checked.

3. Substituted by Notification No. ED 327 PMS 61, dated 4th June 1908.

9. *Entry of name and date of birth of a child.*—
- (a) The name and date of birth of a child given in the enumeration form as in Appendix (Form-II) over the signature or thumb impression of the parent or guardian of the child shall be taken as correct and entered in the enumeration register (*Vide* Appendix—Form-III). This date of birth shall be entered in the Admission or General Register of the school, when the child is actually admitted to the school. If at the time of admission to the school or afterwards, but within one year of such admission,, under a notice issued in this behalf by the parent, the correctness of the date of birth is disputed and a different date of birth is furnished with proof of its correctness, the Head Teacher of the school shall refer the matter through the Assistant Deputy Educational Inspector in Bombay Area, and the Inspector of Schools in the other Areas, to the Administrative Officer of the School Board in the Bombay Area, and the District Educational Officer in other Areas, who shall decide which of the date given shall be entered as the correct date
 - (b) Any of the following may be accepted as proof of date of birth:—
 - (1) an extract from the Birth Register; or
 - (2) a statement of age of child from the parent or guardian having legal custody of the child, made before the Chairman and two members of the Village Panchayat in the Panchayat Area, or ⁴[before a member of the Taluk Board in a Taluk Board Area, or a Councillor of the Corporation in a Municipal Corporation area, or a Municipal, Councillor in a Municipal area].
 - (c) The name and date of birth entered in accordance with the decision under sub-rule (a) shall not be altered,, except with the sanction of the Administrative Officer of the School Board in the Bombay Area or the District Educational Officer in, the other Areas.
10. *Preparation and Publication of an Enumeration. Reauter* —Immediately after the completion of the enumeration under Rule 8, the Administrative Officer in the Bombay Area and the Attendance Authorities in other Areas shall, in accordance with such directions as may be given by the Director, arrange to prepare for each Village or Ward of a Town or City, an Enumeration Register (*Vide* Appendix—Form-III) of all children of the ages to whom the scheme applies. The Registers shall be kept open for inspection during the working hours of the Office of the School in the Bombay Area or the Inspector of Schools in other Areas and an announcement shall be made publication in the School, or by beat of drum that registers are kept open for inspection at such places during such hour.
11. *Enumeration of children to be taken every year in compulsion.*—In an area in which compulsory education up to any standard has been introduced, an area of all children shall be held every year in accordance with Rule 8. At such enumeration,—
- (a) the particulars of each child already filled in the enumeration form at the preceding enumeration shall be entered, and if any modification other than any regarding the date of birth of the child, is found to be necessary, such modification may be made in the old enumeration form and register and duly initialled by the person making the change

4. Substituted by G.S.R. 599, dated 29th June 1965.

or a new enumeration form got filled and signed by the ⁵[parent or guardian of such a child], and .

- (b) particulars of all children who are likely to be within the ages to which the scheme will apply at the commencement of the next academic year and who were not enumerated at any previous enumeration shall be filled in the prescribed form. (Form - IV).

12. *Revision of the Enumeration Register from time to time.*— It shall be the duty of the Attendance Authority to keep in his charge as a permanent record, the Enumeration Register for every Village or Ward of a Town or City coming under his jurisdiction, corrected up-to-date by—

- (a) noting from time to time against the names children, who have been enrolled in approved schools, the names of the schools and the date of the admission;
- (b) adding the names of other children of the to which the scheme applies, who were for any reason enumerated at the time of the enumeration or who to reside in the area after the enumeration and have been enrolled in ⁵[approved schools thereafter], and
- (c) removing from it, from time to time, the name of all children who have been reported by the Head Teacher to have left approved schools, or who have ⁶[ceased to covered by the scheme] of compulsion on account of death completing the compulsory course, completing the school year after completing the maximum age to which the scheme applies, or being exempted under Section 7 of the Act, or any other valid reason. The Enumeration Register shall be revised on the basis of the enumeration taken every year in the area of compulsion.

⁶[13. *Issue and service of attendance notices.*—

- (1) Administrative Officer or an Inspector of Schools or Attendance Authority shall cause to be served on the parent of every child to whom the scheme applies who is not attending any approved school a notice in Form V.
- (2) A notice under sub rule (1) shall be served not less than fifteen days before the day from which the child must first attend the school.
- (3) The service of a notice under this rule may be made,—
 - (i) by delivery to the parent in person; or
 - (ii) where such parent cannot be found, by delivery to some adult member of his family; or
 - (iii) where service as aforesaid cannot be made, after obtaining the previous permission of the officer issuing the notice, by affixing a copy on the last known place of residence of such parent.]

14. *Particulars of Attendance Notices to be complicated.*—The Head Teacher of each approved school the area of compulsion shall be furnished by the attendance

5. Substituted by GSR 599, dated 29th June 1965.

6. Substituted by **G.S.R.** 599, dated 29th June 1965.

Authority with the names and other particulars children, whose parents have been served with notice Rule 13 and the date from which the attendance of children is compulsory.

15. *Application for exemption from attendance.*— when an attendance notice under Rule 13 is served on the parent or guardian and he desires that his child be excused attending a school for any of the reasons mentioned in section 7 of the Act, he shall apply within 15 days from date of such notice for such exemption, to the attendance Authority concerned, through the Head Teacher of School, which the child is required to attend.
16. *Grant of exemption from attendance.*—
- (1) If the exemption applied for is of a permanent nature, the Attendance Authority or any Officer authorised by him on this behalf, shall conduct an enquiry and make a recommendation to the School Board in the Bombay Area and the District Educational Officer in other areas, as to whether the exemption be granted or not.
 - (2) If the exemption applied for is of a temporary nature, the Head Teacher of the School may grant such exemption ⁶[for a period not exceeding seven days at a grant leave of absence for a period not exceeding fourteen days in a year] for any of the following reasons : -
 - (a) When the child is ill;
 - (b) When any member of his family is ill and the presence of the child is required at home;
 - (c) When his assistance is specially required by the parent or guardian to help his vocation, ⁷[or]
 - ⁷(d) any other valid reason.The Head Teacher of the School shall report to the Attendance Authority such exemption or leave of absence [⁸granted by him] ⁹[x x].
 - (3) If the period of exemption from attendance or ⁸[leave of absence exceeds seven days at a time] the Head Teacher of the School shall forward the application to the concerned Attendance Authority who may grant such leave of absence or exemption for a period not exceeding one month at a time, for any of the reasons specified above.
 - (4) Exemption from attendance or leave of absence ⁸[for a period exceeding one month but not exceeding forty five days] shall be granted by the Administrative Officer School Board in the Bombay Area, or the Assistant Educational Officer in the other Areas.
17. *Fixing of maximum distance from School.*— The distance for purposes of Section 7 shall not exceed one ⁹[x x] from the approved school to the residence of child.

6. Substituted by GSR 599, dated 29th June 1965.
7. Inserted by G.S.R. 599, dated 29th June 1965.
8. Substituted by G.S.R. 599, dated 29th June 1965.
9. Omitted by G.S.R. 599, dated 29th June 1965.

18. *The Authority to grant exemption when child is receiving instruction out of Approved Schools.*— For purposes of Section 7 (c) the Administrative Officer in the Bombay Area or the Assistant Education Officer in other Areas is authorised to exercise the power of making declaration that the instruction which a child is then receiving is satisfactory, so as to constitute a reasonable excuse for non-attendance, and such power shall be exercised after a due enquiry.
19. *Other circumstances which may be reasonable Excuse for non-attendance.*—Other circumstances, which may be reasonable excuse for non-attendance under clause (h) of Section 7 shall be—
- (a) disturbed conditions in the locality within the distance of a mile from the school;
 - (b) prevalence of an infectious disease in the locality;
 - (c) floods or other natural calamities in the locality within a distance of a mile from the School.
20. *Form of Attendance Order.*—An Attendance Order under Section 9 shall be made by the Attendance Authority in ⁸[Form VII] ⁹[x x].
21. *Report of non-attendance to be made every month*—The Head Teacher shall, not later than the fifth day of every month, report to the Attendance Authority of the area,—
- (1) the names of all children who have not attended the school] without any leave of absence granted to them and stating against their names, the cause for their absence from school as ascertained by ¹⁰[him] after contacting the parents of such children;
 - (2) the names of children of the ages to which Compulsion applies, who have joined and ¹⁰[left the school] during the preceding month.
 - (3) The names of enumerated children who have not [joined the school].
22. *Issue of Show-cause notice and making an Attendance Order.*—On receipt of such a report, if the Attendance Authority wants to issue an attendance order, it shall issue a notice in the Form-VI appended, to the parent of the child, against whom the said ¹⁰[order is proposed to be made] and give an opportunity to such, parent to show cause why ¹⁰[such an order should not be made] After hearing the parent or any other person on his behalf if he appears, the Attendance Authority, if he is satisfied that the parent has failed to cause the child to attend approved school, and that there is no reasonable excuse for such non-attendance, shall make an Attendance Order Form-VII.
23. *Report about the removal of a child by his parent to another place.*—If the parent of a child under compulsion who is attending an approved school removes the child from the Town or Village or Ward of a City in which the child is residing, the Head Teacher of the School which the child attends, shall inform the Attendance Authority, the removal is to another area of compulsion, the Attendance Authority shall take steps through the Administrative Officer of Bombay Area and District Educations Officer of other Areas to ensure that the prescribed notice is served on the parent requiring to cause the child attend an approved school within that area.
24. *Procedure when a child- has to attend a private Approved School which charges fees.*—If a private school is the only approved school to which a child may have be

8. Substituted by GSR 599. dated 29th June 1965.

9. Omitted by GSR 599. dated 29th June 1965.

10. Substituted by G.S.R. 599. dated 29th June 1965.

compelled to attend and if that school should charge fees for attendance, the School Board in the Bombay and the Director in other Areas, shall offer to compensate Such school, the loss of the fee income, on account of such child to the extent of the average cost of primary education of a child for the standard calculated by the Director, for the whole State according to the information available of the management does not accept the compensation offered, Government or the School Board, shall open a school,¹⁰[if there is a sufficient number] of children, or such childrer shall be granted exemption from attendance.

25. *Filing of complaints against defaulting parents* - If the parent against whom an attendance order has made, fails to cause his child to attend an approved school or after the date specified in the Attendance Order the Attendance Authority shall, on receipt of a report about the absence of such a child from the Head Teacher of the school, file a complaint to that effect in the Form-VIII¹¹[] before the Court competent to try the offence under the Act.
26. *Action against a person employing child liable for compulsion.* — If a Head Teacher or an Attendance Authority or any Officer authorised by him in this behalf has information that a child liable to attend school compulsorily, has been employed by, a person so as to. interfere with the education or instruction of such a child, a full report giving particulars of such person and the child employed shall be forthwith made to the Administrative Officer in the Bombay Area, or the District Educational Officer in other areas, who shall then, after such inquiry as he may deem fit, cause a warning to be issued to such person against the employ-ment of the child (“Form IX). If the warning has no effect, the Attendance Authority of the area on receipt of authorisation from the¹²[Administrative Officer or the District Educational Officer as the case may be] shall complain or cause a complaint to be made against the person concerned, in a Court competent to try the offence (*vide* Form X).
27. *Registers to be maintained by an Approved School—*The following¹²[Registers and Lists] shall be maintained by an approved school : —
- (1) Enumeration Register — [One copy at school and one copy with Attendance Authority.]
 - (2) Admission Register.
 - (3)¹²[Children’s Attendance Register],
 - (4)¹²[Teachers’] Attendance Register.
 - (5)¹²[Lists] of children who come under compi as given by the Attendance Authority.
 - (6) From and To Registers.
 - (7) Register of grant of exemption and leave absence.
 - (8) Register showing the number of prosecution launched and their results.

By Order and in the name of the Governor of Mysore

SIDDAYYA PURANIK,
Deputy Secretary to Government,
Education Department

10. Substituted by GSR 599, dated 29th June 1965.
11. Omitted by G.S.R. 599, dated 29th June 1965.
12. Substituted by **G.SJR.** 599, dated 29th June 1965.

APPENDIX
THE MYSORE COMPULSORY PRIMARY
EDUCATION RULES, 1961.

FORM-I.

(Rules 5-6).

SCHEME OF COMPULSORY PRIMARY EDUCATION.

(Under the Mysore Compulsory Primary Education Act, 1961).

Scheme for the Introduction of Compulsory Primary Education in the Area

..... Taluk District

1. Name of District Education Officer/District School Board/Municipal School Board/Municipality.
2. Age group of children now proposed to be brought under compulsion.
3. Number of children of age group 6-7 in the area according to Enumeration.
4. Number of children out of the above who are already at school.
5. Number of children who would normally be admitted to school without compulsion. This number should be taken to be the normal number of admissions to Standard I in the previous year).
6. Number of children who will have to be brought in by compulsion.
7. Number of children in 6 above classified according to mother-tongue.—
Kannada, Urdu, Marathi, Tamil, Telugu, Hindi,
others—

Total

(This total must agree with the number in 6).

8. List of existing approved schools where additional enrolment is proposed to be made (*vide* "A").
9. List of new schools to be opened for the purpose with details (*vide* "B").
10. Number of teachers : —
 - (a) Existing staff
 - (b) Additional staff proposed to be recruited —
 1. For strengthening of existing schools
 2. For opening new schools

Total

11. Cost — 1. Recurring :-

(a) Salary of teachers at	Rs.		per month
for teachers	Rs.	P.M.	PA.
for the year 1961-62 . .			Rs.
(a) Contingency at Rs. 5 per month			per teacher
for teachers	Rs.	P.M.	Rs.
for the year 61-62			<u>Rs.</u>
Recurring Total			<u> </u>

2. Non-recurring:—

Cost of equipment at	Rs. 250 per	teacher	
Rs. 250 X No. of teachers Rs.
Grand total of 1 and 2 Rs.

12. Other particulars, if any

Place.....

Dated the.....

District Educational Officer

Administrative Officer

Commissioner of

District

District School Board

Municipal School Board

Municipal Council

(FORM -1)'A'

District Taluk Range..... Village or Locality.....

Statement of Additional teachers required in existing schools soholwise.

Serial Number	Name of the school	No. of children of age- group, 6-7. according to enumeration for each school area	No. of children of ages 6- 7 out of the pre-vions nnumber who are already at school.	No. of children who would normally seek admission without compulsion.
1	2	3	4	5

Estimated No. of children who have to be brought in by compulsion.	No. of children who can be taken in with out extra teachers.	No. of children for whom additional teachers are required.	Teachers classified according to languages	Remarks
6	7	8	9	10

Total number of teachers required for the Range.....

- N.B. (1) This statement is to be worked out for every school in the Taluk Range by the Inspector of Schools and the District Educational Officer has to consolidate all the statements from the Ranges for the District and give final figures. Teacher requirement is to be calculated at the Teacher-pupil ratio of 1 : 40
- (2) The School Area is the area covered round the school within one mile radius with the school as the Centre.
- (3) For Column 5, the number that were admitted in the previous year may be taken as the number that would come in without the exercise of compulsion.
- (4) No additional teacher can be claimed if the number is less than 25.

Countersigned.
.....

Inspector of Schools.

District Educational Officer.

‘B’ (FORM - 1)
STATEMENT OF NEW SCHOOLS REQUIRED

District Taluk Range Hobli

Statement of Additional teachers required in existing schools schoolwise.

S1.No.	Name of the Village	Population	Is rent-free accommodation available	No. of children of ages 6-7 who are expected to join	No. of children of age group 6-7 according to enumeration.
1	2	3	4	5	6

Total Number of Schools proposed -

S1.No.	Name of the Main Village	Names of subsidiary villages	Distance of subsidiary villages to central villages	Population of all villages	No. of children of age-group 6-7 as per enumeration	No. of children expected to Join	Is rent-free accommodation available
1	2	3	4	5	6	7	8

Total number of Schools proposed
Grand total of Schools under I and II

N.B. - The subsidiary villages must be within one mile walking distance from the main Central Village.

Countersigned.
.....

Inspector of Schools.
District Educational Officer.

FORM - II
Rule 9.
ENUMERATION OF CHILDREN.

District Taluk Hobli

1. Name of the village	
2. House Number	
3. Name of child	
4. Name of father	
5. Date of birth in figures in words	
6. Caste	
7. Mother-tongue	
8. Name and address of parent, guardian or other person who has actual custody of the child.	
9. Name of the school attended or to which the child is to be sent.	
10. If the child is physically defective and is unable to attend school, the reasons therefor.	

Date.....

Signature of Enumerator.

The birth date entered above is to my knowledge and behalf correct.

Signature or thumb
impression of parent or guardian or
other person who has the, actual
custody of the child.

Substituted by GSR. 599, dated 29th June 1965.

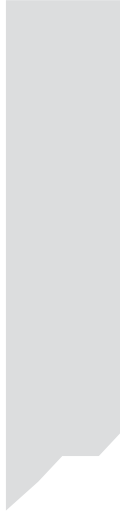
FORM - III
(Rule 10)
Enumeration Register

District Taluk Hobli Village or Locality.....

Serial No.	Name of Child	Name of Father	Sex of Child	House Number	Date of Birth in figures and in words.	Name of person actually in charge of the Child.	Mother Tongue	Caste	If the Child is attending School, name of the School If the Child is attending School, name of the School, name of the School which the Child is to attend.	If the Child cannot attend the School, the nature of the disability.	The academic year in which the child comes under compulsion.	Remarks	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Signature of Enumerator

Administrative officer
Signature of Inspector of Schools
Attendance Authority



FORM - IV
[Rule 11 (b)]

List of all Children of the age to whom applies but who are not attending any approved schools.

Name of school to which the pupils in the are to be admitted

District Taluk Hobli Village

Serial Number	Name of boy / girl with father's name	Name and Address of parent or guardian or person who has the custody of the child	Language spoken by the child	Date of birth	School year in which the child become liable for Compulsory Primary Education	Name of School which admitted and date of admission	Remarks
1	2	3	4	5	6	7	8

Place

Date

Signature of Attendance Authority

FORM - V
Rule -13
ATTENDANCE NOTICE.

from No
Attendance Authority.

To

Boy/Girl Date of birth

Name of school to which the child is to be sent

Received the Attendance Notice bearing No.

Signature of the Parent

..... To be perforated

From No.

.....
Attendance Authority,
..... (Area)
.....

To
.....
.....
.....

Sir/Madam,
As your son/daughter/ward
will attain/attained the age of 6 years on
you are required under the provision of Section 6 of the Mysore Compulsory Primary
Education Act, 1961, to see that he/she attends
school regularly from If you wish him/her to attend a
school other than the above, you should apply to me stating the school which you
wish him/her to attend. If you consider that you have a reasonable excuse under
Section 7 of the Act for not sending your son/daughter/ward to school, you should
apply to me within fifteen days for the date of this notice, showing the cause why he/
she should be exempted from attending school

Place.....

Date.....

Attendance Authority.

Extracts of section 7 of the Act and Rule 19 of the Rules

Section -

7. *Reasonable excuse for non-attendance.*—For the purpose of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of the child at an approved school, namely :—

- (a) that there is no approved school within prescribed distance from his residence;
- (b) that the only approved school within the prescribed distance from the residence of the child to which the child can secure admission is one in which religious instructions of a nature not approved by his parent is compulsory;
- (c) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by the State Government in this behalf;
- (d) that the child has already completed primary education up to the standard specified in the order under Section 8 or the de ration under Section 4;
- (e) that the child suffers from a physical or mental defect which prevents him from attendance;
- (f) that the child has been granted temporary leave of absence not exceeding the prescribed period by the prescribed authority by any other person authorised by the prescribed authority in behalf;
- (g) that there is any other compelling circumstance which prevents the child from attending school, provided the same is certified as such by the Attendance Authority;
- (h) such other circumstances as may be prescribed.

Rule 19. *Other Circumstances which may be reasonable excuse for non-attendance.*—Other circumstances which may be reasonable excuse for non-attendance under clause (h) of Section 7 shall be

- (a) disturbed conditions in the locality, within the distance of a mile from school;
- (b) prevalence of an infectious disease in the locality;
- (c) floods or other natural calamities in the locality within a distance of a mile from the school.

FORM VI
[Rule 22]
SHOW - CAUSE NOTICE

From

No.....

.....

(Attendance Authority)

To

Boy/Girl Date of Birth

..... Name of School which the child is
required to attend

Received the show-cause notice.

Signature of the parent or guardian

..... To be perforated

FORM VI

Rule 22

SHOW-CAUSE NOTICE

From

To

.....

(Attendance Authority)

Sir/Madam,

Whereas under the attendance notice No..... dated..... you were required under the provision of Section 6 of the Mysore Compulsory Primary Education Act, 1961, to see that your son/danghter/ward attends school regularly on and from

And whereas you have failed to cause your said son/daughter/ ward to attend the school mentioned in the said notice or any other approved school;

And whereas you have also not given any reasonable excuse within the meaning of Section 7 of the said Act, for failure to canse your son/daughter/ward to attend an approved school;

Whereas under the attendance notice No. within the meaning of School 7 of the said Act for failure to cause your son/daughter/ward to attend an approved school;

You are now required to show-cause within 7 days from the date of receipt of this notice, that if you still do not send your son/ daughter/ward to attend school, why an Attendance Order should not be made against you.

Place

Date

Attendance Authority.

**THE MYSORE COMPULSOBT
PRIMARY EDUCATION RULES, 1001.
FORM-VII
ATTENDANCE ORDER.
Rule 20**

No. From
To
ATTENDANCE AUTHORITY.

Sir/Madam,
Whereas under the Attendance notice No. dated you were required under the provision of Section 7 of the Mysore Compulsory Primary Education Act, 1961, to see that your son/ daughter/ ward attends school regularly on and from.....

And whereas you have failed to cause your said son/ daughter/ ward to attend the school mentioned in the said notice or any other approved school;

And whereas you have not also given any reasonable excuse within the meaning of Section 7 of the said Act for failure to cause your son/daughter/ward to attend an approved school; And whereas you have failed to rpspond to the show cause notice No. dated..... and failed to send your Son/daughter/ward to school.

Now, therefore, in exercise of the powers conferred by Sub section (2) of Section 9 of the said Act, I hereby direct you to cause your son/daughter/ward to attend an approved school regularly on and from.....

Take notice that in the event of failure to comply with the provision of this Order, legal steps as prescribed under Section 13 (2) will be taken against you.

Place.....
Dated.....
Received a copy of the above Order

Attendance Authority.

Signature of Parent or Guardian

**THE MYSORE COMPULSOBT PRIMARY EDUCATION
RULES, 196
FORM-VII
ATTENDANCE ORDER.
Rule 20**

No. From
To
ATTENDANCE AUTHORITY.

Sir/Madam,
Whereas under the Attendance notice No. dated you were required under the provision of Section 7 of the Mysore Compulsory Primary Education Act, 1961, to see that your sou/daughter/ ward attends school regularly on and from.....

And whereas you have failed to cause your said son /daughter/ward to attend the school mentioned in the said notice or any other approved school;

And whereas you have not also given any reasonable excuse within the meaning of Section 7 of the said Act for failure to cause your son/daughter/ward to attend an approved school ;

And whereas you have failed to respond to the show cause notice No. dated..... and failed to send your son/daughter' ward to school.

Now therefore, in exercise of the powers conferred by sub-section (2) of Section 9 of the said Act. I hereby direct you to cause your son/ daughter/ward to attend an approved school regularly on and from.....

Take notice that in the event of failure to comply with the provision of this Order, legal steps as prescribed under Section 13 (2) will be taken against you.

Place.....
Dated.....

Attendance Authority.

Signature of Parent or Guardian

Note :— Section 13, sub-section (2).—If any parent fails to comply with an attendance order passed under Section 9, he punished with fine not exceeding two rupees and in the case of a continuing contravention, with an additional fine not exceeding fifty Naye Paise for every day during which such contravention continues after conviction for the first of such contraventions, provided that the amount of fine in any one year shall not exceed one hundred rupees.

FORM- VII

Rule 25

Complaint under Section 13(1)/(2) of the Mysore Compulsory
Education Act, 1961.

In the Court of..... Magistrate

The Primary School Panchayat Court of

Sri/Smt.....

Adult, Attendance Authority, Complainant
.....

Sri/Smt.

Adult, resident of Accused
.....

Complaint under Section 13, sub-section (I)/(2) of the Mysore
Compulsory Primary Education Act, 1961.

The Complainant submits as follows :—

1. That the Accused is a resident of in the area of
2. Compulsory Primary Education has been introduced in this area with the sanction of Government for children of the age group from (vide Notification No..... dated).
3. The age of the Accused's son/daughter/ward.....is A certificate regarding his/her date of birth is attached. The scheme of compulsion therefore applies to the Accused's son/daughter/ward.
4. The Accused was accordingly served with an Attendance Notice requiring himAer to see that his/her Boa/daughter/ward:attended.....school regularly from.....
5. The Accused did not comply with the provisions of that notice nor did he put forth any reasonable excuse for failure to cause himAer son/daughter/ward to attend an approved school. Thereupon the Accused was served with an Attendance Order under Section 9, sub-section (2), of the Mysore Compulsory Primary Education Act, 1961 to cause his/her/ son/daughter/ward attend..... school regularly on and from The Accused has also failed to comply with the provisions of the Attendance Order.
6. The Accused has transferred the custody of the child and he was bound under Section 9, sub-section (4) of the Act immediately to inform the Attendance Authority in writing of such transfer which he/she has failed.
7. The Accused has therefore committed an offence in preventing the education of the child under Section 13, sub-section (I)/(2) of the Act.

8. It is prayed that the Accused be dealt with according to law and the penalty as prescribed for in Section 13, sub-section (I)/(2) of the Mysore Compulsory Primary Education Act, 1961, may be imposed on the Accused.

Place.....

.....

Date.....

Attendance Authority.

Documents filed -

1. Certified copy of the enumeration form signed by the parent or guardian or the statement given by the parent or guardian referred to in item (9) of sub-rule (b) of rule 9.
2. Certified copy of the Attendance order issued to the accused.
3. Certified copy of the Notice issued to the Accused to notify the person to whom the custody of the child is transferred.

FORM IX.
(Rule 26)

Warning Notice to be issued to Employer of a child.

No.....

From

.....

Attendance Authority.

Name of child employed Age of child

Name of School which the child should have attended
Received the notice.

Signature of person employing the child.....

..... To be perforated

NoFrom

.....

Attendance Authority.

To

Sir/Madam,

It is reliably learnt that you have employedduring the working hours of the school son/daughter/ward of Sri/Smt. resident of who has attained the age of 6 years on..... and thus prevented the education of the child. You have thus contravened Section 10 of the Mysore Compulsory Primary Education Act, 1961 which prevents the employment of a child of schoolgoing age from attending school.

Please take notice that if you do not cease the employment of the said child within one week from the date of this notice and let the child attend school, legal action will be taken against you as per Section; 14 of the Mysore Compulsory Primary Education Act, 1961.

Place.....

Dated.....

Attendance Authority.

Extract of Section 14 of the Act.

Penalty for contravention of Section 10.—If any person contravenes the provisions of Section 10, he shall, on conviction, be punished with fine which may extend to twenty-five rupees, and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues, after conviction for the first of such contraventions.

FORM—X.
(Rule 26.)

Complaint under Section 14 of the Mysore Compulsory
Primary Education Act, 1961.

In the Court of Magistrate,

The Primary School Paachayat Court of

Shri/Smt. Adult, Attendance Authority,
Complainant

Versus

Shri/Smt.
Adult, Resident of
..... Accused

The Complainant submits that:

1. The Accused is a resident of in the area of
2. Compulsory Primary Education has been introduced in this
with the sanction of Government for children of the age group from
vide Notification No. dated
3. The Accused has employed Son/Daughter/Ward of Shri/Smt.
..... resident of The age of the child is
The Accused has thus prevented the child from receiving instructions in
..... School.
4. The Accused was given a warning notice under date that he/she should
refrain from continuing to employ the child and the Accused did not comply with the
provisions of that notice.
5. The Accused has therefore committed an offence under Section 10 of the Mysore
Compulsory Primary Education Act, 1961.
6. It is prayed that the Accused be dealt with according to law and the penalty as pre-
scribed for in Section 14 of the Mysore Compulsory Primary Education Act, 1961, may
be imposed on the Accused.

Place.....

Date.....

Attendance Authority.

Documents filed:

1. Certified copy of the enumeration form signed by the parent or guardian or of the
statement given by the parent or guardian referred to in item (2) of sub-rule (6) of Rule 9.
2. Certified copy of the Warning Notice issued.

FORM-XI

[Sub-section (4) of Section 4.]

**Declaration under sub-section (4) of Section 4, by a
School Board/Municipal Council.**

In exercise of the powers conferred by sub-section (4) of Section 4 of the Mysore Compulsory Primary Education Act, 1961 (Mysore Act 9 of 1961), the School Board/Municipal Council of having a scheme of Compulsory Primary Education extending over the area except the areas mentioned in the Annexure, sanctioned in Government Order No. dated do hereby declare that the Compulsory Primary Education Scheme under the above Act comes into effect from the 1st of August 1961 for the age-group 6 to 7 and Standard I.

Place.....

Date.....

By Order

Administrative Officer,
..... School Board.

.....

Place.....

Date.....

Commissioner,

Municipal Council of.....

.....

NOTIFICATION.

No. ED 86 PMS 61, dated Bangalore, 31st May 1961
(Jyeishta 10, Saka Era 1883).

In exercise of the powers conferred by sub-section of Section 1 of the Mysore Compulsory Primary Education Act, 1961 (Mysore Act 9 of 1961), the Government of Mysore hereby notify the *1st day of June 1961* as the date on which the said Act shall come into force in the whole of the State of Mysore.

By Order and in the name of the Governor of Mysore,.

MOHAMED RAHAMATHULLA
*Secretary to Government,
Education Department*

NOTIFICATION.

No. ED 98 PMS 63, dated Bangalore, 16th April 1961 (Chaitra 26, Saka Era 1885).

In exercise of the powers conferred by sub-section (1) of Section 2 of the Mysore Compulsory Primary Education: Act, 1961 (Mysore Act No. 9 of 1961), the Government of Mysore do hereby specify *22nd May* as the date on which the academic year begins for the purpose of the said Act during every year, throughout the State of Mysore, excluding the areas to be notified by the Director of Public Instruction from time to time.

By Order and in the name of the Governor of Mysore,.

S. NARASAPPA,
*Under Secretary to Government,
Education Department..*

NOTIFICATION.

No. ED 98 PMS 61, dated Bangalore, 19th June 1961 (Jyeishta 29, Saka Era 1883).

In exercise of the powers conferred by sub-section (!)• of Section 23 of the Mysore Compulsory Primary Education Act, 1961 (Mysore Act 9 of 1961), the Government of Mysore hereby delegate to the Director of Public Instruction in Mysore, Bangalore, the powers conferred on the State Government under Section 3 and sub-sections (1), (2) and (7) of Section 4 of the said Act.

By Order and in the name of the Governor of Mysore,

MOHAMED RAHAMATHULLA
*Secretary to Government,
Education Department*

NOTIFICATION.

No. ED 98 PMS 61, dated Bangalore, the 23rd June 1961 (Ashadha 2, Saka Era 1883) .

In exercise of the powers conferred by sub-section (1) of Section 23 of the Mysore Compulsory Primary Education Act, 1961 (Mysore Act 9 of 1961), the Government of Mysore hereby delegate to the Director of Public Instruction in Mysore, Bangalore, the powers conferred on the State Government, under sub-sections (3) and (6) of Section 4 of the said Act.

By Order and in the name of the Governor of Mysore,,

V. P. VENKATARAMAIAH,
*Under Secretary to Government,
Education Department,*

EDUCATION SECRETARIAT
NOTIFICATION
No. ED 182 PTI 95, Bangalore, dated 3rd July 1995

In exercise of the powers conferred by sub-section (1) of Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) the Government of Karnataka hereby makes the following rules; namely:-

1. Title, Commencement and Application :- (1) These rules may be called the Karnataka Selection of candidates for admission to Teachers Higher Course Rules, 1995.

(2) They shall come into force on the date of their publication in the official Gazette.

(3) These rules shall apply to the selection of candidates for admission to the first year of Teacher's Certificate Higher Course.

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

(a) "Aided Institution" means any institution imparting education in teaching which received Grant-in-aid from the Government;

(b) "Director" means the Director for Public Instruction (Research and Training);

(c) "Institution" means any institution established or recognized by the Government imparting pre-service teacher training leading to a Teachers Certificate Higher Course issued by the Karnataka Secondary Education Examination Board;

(d) "Karnataka Student" means a student who has studied and passed with S.S.L.C. examination or second year Pre-University Examination in a Government Institution or Government recognised institution in Karnataka.

(e) "Unaided Institution" means any institution permitted and recognised by Government of Karnataka but not receiving any Grant-in-aid;

3. Eligibility:- No person shall be eligible for admission to Teacher's Certificate Higher Courses unless he-

(a) has passed the Second year Pre-University Course/Pre-University Vocational Course or its equivalent; provided that the minimum marks for the purpose of qualification specified above shall not be less than :-

(i) thirty five percent in the case of candidates belonging to Scheduled Castes/Scheduled Tribes and Group-A and physically disabled persons specified in the relevant Government order.

(ii) forty percent in the case of General category candidates:

(b) is a citizen of India

4. Allocation of Seats:- (1) Following shall be the allocation of seats in the institutions for the purpose of these rules

(i) "Government Seats" shall include;

(a) all the seats in the institutions established and or administered by the State Government;

(b) ninety percent of seats in Aided institutions;

(c) seventy five percent of the seats in the unaided institutions;

(ii) "other seats" means seats other than Government seats shall be the other seats.

(2) All "Government Seats" shall be reserved for Karnataka students.

5. Determination of Merit :- The merit shall be determined by taking the marks obtained in Second year pre-University examination / pre-University vocational course examination or any equivalent course.

Provided that while preparing the merit list a weight age of five percent shall be added

to the percentage of the marks secured by a rural candidate as defined in the Karnataka Civil Services (General Recruitment) Rules, 1977.

6. Procedure for Selection of Candidates :-

The procedure for the selection of candidates for admission to institutions against Government seats shall be as follows:-

(1) The Director of public Instruction, Research and Training shall publish on the Notice Board of his office and in such other office as he may think fit and also by giving publicity in at least one Kannada and one English Newspapers having wide circulation in the State and call for duly completed applications for admission to first year Teacher's Certificate Higher Course in the State, for Government Seats giving briefly such information as the number of seats available as Government seats, the names and location of the Institution, minimum eligibility conditions, reservation of seats, the method of admission, the place where the prescribed application form along with the brochure. containing the above details will be available and such other information as he considers necessary and fixing the last date and time of receipt of the application. No application shall be entertained after the last date or dates so fixed.

(2) A candidate possessing qualification declared as equivalent to the Karnataka Pre-University Examination shall produce at the time of his admission, copy of the order in which such qualification has been declared as equivalent to the said Pre-University Examination or an eligibility certificate of the Pre-University Board in Karnataka.

(3) Applications whenever called for should be legibly and properly filled, strictly as per the instruction given to the candidates. Where the required certificates and affidavits as specified are not enclosed such applications shall be liable to be rejected.

(4) Candidates shall indicate clearly in the application form in the space provided therein the names of institutions in order of preference.

(5) The Principals of the District Institutes of Education and Training (DIET) of the concerned districts shall receive the applications from the eligible candidates up to the last date prescribed by the Director and shall arrange for submission of the same to the Director within the specified time through messenger.

(6) The Principal of the District Institute of Education and Training (DIET) shall enter the details of every application received by him upto the last date fixed for receipt of application irrespective of whether it is valid, in a register. This register shall be called the Register of Applications. The principal shall cause to submit all applications and expedite to the Director for scrutiny.

(7) **Selection Committee :** There shall be a selection committee for selection of candidates to Government seats under these rules, consisting of the following, namely:-

- | | | |
|--|----|------------------|
| 1. The Director | .. | Chairman |
| 2. The Dy. Director-in-charge of DIET in the District | .. | Member |
| 3. An Officer not below the rank of Dy. Director of Public Instruction nominated by Director | .. | Member-Secretary |

(8) Selection of Candidates To Government Seats

(1) The selection committee shall prepare out of all the applications received a General Merit List consisting of names of all the candidates, who have applied for the Government seats under these rules.

(2) Out of the General Merit List so prepared under sub-rule (1) a second list called second list consisting of –

(a) Seats for general category;

(b) Seats reserved under rule-9;

Provided that not less than fifty per cent of the seats shall be reserved for women:

Provided further that four per cent of the seats in each category shall be reserved for physically Handicapped as defined in Karnataka Civil Services (General Recruitment) Rules, 1977.

Provided further, If sufficient number of candidates are not available in one category, such seats shall be filled from other category.

(3) No candidate seeking reservation for admission under rule-9 shall be admitted to any institution unless he produces a validity certificate obtained under rule-7 of Karnataka Scheduled Castes, Scheduled Tribes and Other Back Ward Classes (Reservation of appointment etc.) Rules, 1992.

(4) The verification of original certificates, etc., shall be made by the Heads of the respective institution to which the candidate is allotted before he is provisionally admitted in the institution and the Heads shall reject admission of such candidates whose original certificates are found to be incorrect or not original certificates are found to be incorrect or not in conformity with the rules thereon. However, such cases shall be referred to Director whose decision shall be final. the provisional admission to the institution shall be intimated soon after admission to the Director who shall scrutinise to the extent necessary and approve the admissions of all eligible candidates. Any candidate whose admission is not approved by the Director shall be discharged from the institution:

Provided that as far as possible the students hailing from a particular district shall be allotted to the institutions situate within the said district of their choice in the order of their preference.

Provided further that if it is not possible to allot a candidate in any of the institution of his choice in a particular district he shall be allotted to in any of the institution of his choice in a neighbouring district.

Provided also that if it is not possible to allot a seat in any of the institution in the District or neighbouring districts in the division, he may be allotted a seat in any of the institutions in the State.

(5) Request for change of institution shall not ordinarily be entertained:

Provided that request for transfer from an institution in respect of candidates who have taken admission to the course or institution to which he originally got selected may, if the candidate so applied for a change of institution or course be considered to the extent possible by the Director keeping the merit of the candidates and the order of preference expressed by him in the application as the basis.

(6) Any vacancy of seats that may arise in any of the institutions due to any cause whatsoever shall be filled by the Director from among the candidates in the eligibility list:

Provided that no admission shall be made after the last date fixed by the Government.

(7) The admission of the candidates shall be in conformity with the intake as fixed by the Government.

(9) **Reservation of Seats :-** Reservation shall be made for the candidates belonging to the scheduled castes, Scheduled Tribes, Groups A, B, C, D, E in each college in accordance with order issued in Government order No. SEL.61 SCA 95 dtd. 23.6.95 and other related order issued from time to time. If any of the seats reserved for candidates belonging to SC/ST, Group A, B, C, D, E are not filled due to the non-availability of eligible students of such groups, the reservation to that extent shall stand reduced and shall be filled by general merit candidates.

Note : (a) In the case of candidates belonging to groups A, B, C, D, E as per the G.O. No.

SEL 61 SCA 95 dtd. 23.6.95 the father, if the is not alive the mother, and if both are not alive the guardian of such candidate shall furnish an affidavit and a certificate regarding his occupation and annual income from all sources in the form prescribed, where a candidate claims that his father is not alive, he shall produce the death certificate of his father and where as candidate claims that his parents are not alive, he shall produce death certificates of both his father and mother.

(b) In the case of candidates belonging to SC/ST or Groups A, B, C, D, E the candidate shall furnish a certificate to the effect that he/she belongs to such caste/tribes and such certificate must be in the form prescribed in the relevant Government Order as amended from time to time and issued by the authorities and the manner specified. No certificate which does not fulfil the requirements specified in the relevant Government Order and the amendments thereon will not be accepted under any circumstances.

(c) In case of Adoption/Separation which have been made legally two years prior to the first announcement made for the year of admission, copies of such registered deeds should be produced in support of such claims are made by a candidate. For determining the eligibility for reservation under rule-12, adoption by a person belonging to SC/ST, Group A, B, C, D, E of a person not belonging to such castes or groups, shall not be recognised.

(d) The Director or the Principal or the Head of the Institution to which the candidate is allotted shall also verify the correctness of the particulars furnished in the application or certificate or affidavit and review or reject the same during the course of allotment of seats/ admission to the Institution. The Director shall get verified the certificates, affidavits produced by the candidates by reference to appropriate authorities. The decision of the Chairman of the Selection Scrutiny Committee, shall be final in these matters.

10. List of Selected Candidates :- (1) The Director shall prepare a list of candidates finally selected for admission to the course, in the institutions and send copies thereon to the Heads of the Institutions for giving wide publicity not exceeding three days before the last date of admission as fixed by the Government. This list shall contain not only the names but also the rank in the merit list, the class of reservation, if any, the selection shall be notified by the Director by publication in at least two daily newspapers one English and the other Kannada having wide circulation in the State or letters by post to the candidates to facilitate the candidates to report to the respective institutions fixing a date before which the candidate should get admitted to the institution. If the candidate fails to get himself admitted within the date fixed, the admission shall automatically stand forfeited without any further notice to the candidate.

(2) All selections made shall be subject to verification of the original marks card and physical fitness by the Heads of the concerned institutions to which they are admitted.

11. The selection for other seats :- (1) There shall be the Selection Committee for Selection of Candidates for other seats in unaided and aided Institutions, consisting of the following:-

- (i) The Principal of the Institution – Convenor
- (ii) The representative of the Management,
- (iii) The representative nominated by Principal of the concerned DIET not below the rank of Educational Officer.

(2) The respective Institutions shall call for applications from the eligible Candidates for admission to Teachers Certificate Higher Course in their Institutions.

(3) The Selection Committee Constituted under sub-rule (1) shall Select candidates in accordance with merit. The other rules except rule 10, shall mutatis mutandis apply to this selection also.

12. Penalties : Where a candidate or his parents or guardian furnishes false or incorrect marks card or statement of marks or a certificate or an affidavit filled along with the application, such application shall be liable to be rejected and the seat, if any, given to such candidate shall be liable to be forfeited. Such candidate, his parents or guardian, as the case may be, shall also render themselves liable for both Civil and Criminal action. Where the Director considers that action should be taken under these rules for rejection an application and forfeiting a seat, he shall pass appropriate orders after holding such enquiry as he deems necessary and after giving reasonable opportunity to the candidate and or his parents or guardian concerned to make his representation.

13. Action Against Institutions :- Action shall be taken in accordance with the provisions of Karnataka Education Act, 1983 (Karnataka Act No. 1 of 1995) against any institution who refuses to admit students selected by the Selection Committee under these rules.

14. Fees :- The fees payable by the candidates shall be as determined by 7the State Government.

By order and in the name of the
Governor of Karnataka

(V. Jagadeeshaiah)
Under Secretary to Government,
Education Department

EDUCATIONSECRETARIAT

NOTIFICATION

No. ED 184 PTI 95, Bangalore, dated 3rd July 1995

In exercise of the powers conferred by sub-section (1) of Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) the Government of Karnataka hereby makes the following rules; namely:-

1. Title, Commencement and Application :- (1) These rules may be called the Karnataka Selection of candidate for admission to Bachelor of Education (B.Ed.) Course Rules, 1995.

(2) They shall come into force on the date of their publication in the official Gazette.

(3) These rules shall apply to the selection of candidates for admission to Bachelor of Education, (the B.Ed. Course).

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

(a) "Aided Institution" means any institution which receives Grant-in-aid from the Government;

(b) "Director" means the Director for Public Instruction (Research and Training);

(c) "Institution" means any college affiliated to a University under section-53 of Karnataka State Universities Act 1976 imparting teaching in education at degree level;

(d) "Karnataka Student" means a student who has studied and passed either S.S.L.C. examination or second year Pre-University Examination in a Government or Government recognised institution in Karnataka.

(e) "Unaided Institution" means any institution permitted and recognised by Government of Karnataka but not receiving any Grants;

3. Eligibility:- No person shall be eligible for admission to Bachelor of Education Course unless he, -

(a) has obtained a degree in Bachelor of Arts or Bachelor of Science or any equivalent degree with not less than 45 per cent of marks in the aggregate:

Provided that the minimum marks for the purpose of qualification specified above shall not be less than forty per cent in the case of candidates belonging to Scheduled Castes / Scheduled Tribes and Group-A and physically disabled persons specified in the relevant Government orders

(b) is a citizen of India

4. Allocation of Seats:- (1) Following shall be the allocation of seats in the institutions for the purpose of these rules

(i) "Government Seats" shall include;

(a) all the seats in the institutions established and/or administered by the State Government or University;

(b) ninety per cent of seats in aided institutions;

(c) seventy five percent of the seats in the unaided institutions;

(ii) "other seats" means seats other than Government seats shall be the other seats.

(2) All "Government Seats" shall be reserved for Karnataka students.

(3) Out of the total seats, fifty per cent each shall be filled by persons possessing degree in Bachelor of Science and persons possessing degree in Bachelor of Arts:

Provided that if sufficient candidates in one category is not available, such seats shall be filled by other category.

5. Determination of Merit :- Merit shall be determined by taking the aggregate marks

obtained in the B.A. or B.Sc. Examinations in all the three years examinations.

Provided that while preparing the merit list a weight age of five percent shall be added to the percentage of the marks secured by a rural candidate as defined in the Karnataka Civil Services (General Recruitment) Rules, 1977.

6. Procedure for Selection of Candidates :-

The procedure for the selection of candidates for admission to institutions against Government seats shall be as follows:-

(1) The Director of publish on the Notice Board of his office and in such other office as he may think fit and also by giving publicity in at least one Kannada and one English Newspapers having wide circulation in the State and call for duly completed applications for admission to Bachelor of Education Course in the State, giving briefly such information as particulars of the number of seats available as Government seats/other seats, the names and location of the Institutions, the fees chargeable by each institution, minimum eligibility conditions, reservation of seats, the method or admission, the place where the prescribed application form along with the brochure containing the above details will be available and such other information as he considers necessary and fixing the last date and time for receipt of the application. The Director shall also similarly give such publicity as necessary and call for applications with such information as may be required for Government seats. No application shall be entertained after the last date or dates so fixed.

(2) A candidate possessing qualification declared as equivalent to the B.A. or B.Sc. Examination shall produce at the time his admission, copy of the order in which such qualification has been declared as equivalent to the said B.A. or B.Sc. examination and an eligibility certificate of the concerned University in Karnataka.

(3) Applications whenever called for should be legibly and properly filled, strictly as per the instruction given to the candidates. Where the required certificates an affidavits as specified are not enclosed such applications shall be liable to be rejected.

(4) Candidates shall indicate clearly in the application form in the space provided therein their preference of institution.

(5) The Principals of the District Institutes of Education and Training (DIET) of the concerned districts shall receive the applications from the eligible candidates up to the last date specified by the Director and shall arrange for submission of the same to the Director within the specified time.

(6) The Principal of the DIET's shall enter the details of every application received by him up to the last date fixed for receipt of application irrespective of whether it is valid or invalid under these rules in a register. This register shall be called the Register of Applications. The principal shall cause to submit all applications and the register to the Director for the scrutiny.

(7) Selection Committee : There shall be a selection committee for selection of candidates to Government seats under these rules, consisting of the following, namely:-

- | | | |
|---|----|------------------|
| 1. The Director | .. | Chairman |
| 2. The Deputy Director of Public Instruction | | |
| to be nominated by Govt. | .. | Member |
| 3. An Officer not below the rank of Deputy Director | .. | Member-Secretary |

9. Reservation of Seats :- Reservation shall be made for the candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes, as specified by Government from time to time. If any of the seats reserved for candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes are not filled due to the non-availability of eligible students the reservation to that extent shall stand reduced and shall be filled by general merit candidates.

(8) Selection of Candidates To Government Seats

(1) The selection committee shall prepare out of all the applications received a General Merit List consisting of names of all the candidates, who have applied for the Government seats under these rules.

(2) Out of the General Merit List so prepared under sub-rule (1) a second list called second list consisting of –

(a) Seats for general category;

(b) Seats reserved under rule-9;

Provided that not less than fifty per cent of the seats shall be reserved for women:

Provided further that four per cent of the seats in each category shall be reserved for physically Handicapped as defined in Karnataka Civil Services (General Recruitment) Rules, 1977.

Provided further, If sufficient number of candidates are not available in one category, such seats shall be filled from other category.

(3) No candidate seeking reservation for admission under rule-9 shall be admitted to any institution unless he produces a validity certificate obtained under rule-7 of Karnataka Scheduled Castes, Scheduled Tribes and Other Back Ward Classes (Reservation of appointment etc.) Rules, 1992.

(4) The verification of original certificates, etc., shall be made by the Heads of the respective institution to which the candidate is allotted before he is provisionally admitted in the institution and the Heads shall reject admission of such candidates whose original certificates are found to be incorrect or not original certificates are found to be incorrect or not in conformity with the rules thereon. However, such cases shall be referred to Director whose decision shall be final. the provisional admission to the institution shall be intimated soon after admission to the Director who shall scrutinise to the extent necessary and approve the admissions of all eligible candidates. Any candidate whose admission is not approved by the Director shall be discharged from the institution:

Provided that as far as possible the students hailing from a particular district shall be allotted to the institutions situate within the said district of their choice in the order of their preference.

Provided further that if it is not possible to allot a candidate in any of the institution of his choice in a particular district he shall be allotted to in any of the institution of his choice in a neighbouring district.

Provided also that if it is not possible to allot a seat in any of the institution in the District or neighbouring districts in the division, he may be allotted a seat in any of the institutions in the State.

(5) Request for change of institution shall not ordinarily be entertained:

Provided that request for transfer from an institution in respect of candidates who have taken admission to the course or institution to which he originally got selected may, if the candidate so applied for a change of institution or course be considered to the extent possible by the Director keeping the merit of the candidates and the order of preference expressed by him in the application as the basis.

(6) Any vacancy of seats that may arise in any of the institutions due to any cause whatsoever shall be filled by the Director from among the candidates in the eligibility list:

Provided that no admission shall be made after the last date fixed by the Government.

(7) The admission of the candidates shall be in conformity with the intake as

Note : (a) In the case of candidates belonging to other Backward Classes as specified by Government from time to time, the father, if he is not alive the mother, and if both are not alive the guardian of such candidate shall furnish an affidavit and a certificate regarding his occupation and annual income from all sources in the form prescribed. Where a candidate claims that his father is not alive, he shall produce the death certificate of his father and where as candidate claims that his parents are not alive, he shall produce death certificates of both his father and mother.

(b) In the case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes as specified by Government from time to time the candidate shall furnish a certificate to the effect that he/she belongs to such caste/tribes and such certificate must be in the form prescribed in the relevant Government Order as amended from time to time and issued by the authorities and the manner specified. No certificate which does not fulfil the requirements specified in the relevant Government Order and the amendments thereon will not be accepted under any circumstances.

(c) In case of Adoption which have been made legally two years prior to the first announcement made for the year of admission, copies of such registered deeds should be produced in support of such claims the made by a candidate. For determining the eligibility for reservation under this rule adoption by a person belonging to SC/ST, OBC's as specified by Government from time to time shall not be recognised.

(d) The Director or Head of the Institution to which the candidate is allotted shall also verify the correctness of the particulars furnished in the application or certificate or affidavit and review or reject the same during the course of allotment of seats/admission to the Institution. The Director or Head of the Institution shall get verified the certificates, affidavits produced by the candidates by reference to appropriate authorities. The decision of the Chairman of the Committee, shall be final in these matters.

10. List of Selected Candidates :- (1) The Director shall prepare a list of candidates finally selected for admission to the course and send copies thereon to the Heads of the Institutions for giving wide publicity not exceeding three days before the last date of admission as fixed by the Government. This list shall contain not only the names but also the rank in the merit list, the class of reservation, if any, the selection shall be notified by the Director by publication in at least two daily newspapers one English and the other Kannada, having wide circulation in the State or through letters by post to the candidates to facilitate the candidates to report to the respective institutions fixing a date before which the candidate should get admitted to the institution. If the candidate fails to get himself admitted within the date fixed, the admission shall automatically stand forfeited without any further notice to the candidate. Separate selection lists for Arts and Science graduates shall be published by the Director.

(2) All selections made shall be subject to verification of the original marks card and physical fitness by the Heads of the concerned institutions to which they are admitted.

11. The Selection for Other Seats :- (1) There shall be the Selection Committee in respect of each institution for Selection of candidates for other seats in unaided and aided institutions, consisting of the following:-

- i) The Principal of the Institution
- ii) a representative of the Management,
- iii) a representative nominated by the Government who shall be not below the rank of Deputy Director of Public Instruction..

(2) The respective institutions shall call for Applications from the eligible candidates for admission to Bachelor of Education Course in their Institutions.

(3) The Selection Committee constituted under sub-rule (1) shall Select candidates on the basis of merit. The other rules except rule 9, shall mutatis and mutandis apply to this selection also.

12. Penalties : Where a candidate or his parents or guardian furnishes false or incorrect marks card or statement of marks or a certificate or an affidavit filled along with the application, such application shall be liable to be rejected and the seat, if any, given to such candidate shall be liable to be forfeited. Such candidate, his parents or guardian, as the case may be, shall also render themselves liable for both civil and criminal action. Where the Director considers that action should be taken under these rules for rejection an application and forfeiting a seat, he shall pass appropriate orders after holding such enquiry as he deems necessary and after giving reasonable opportunity to the candidate and or his parents or guardian concerned to make his representation.

13. Action Against Institutions :- Action shall be taken in accordance with the provisions of Karnataka State Universities Act 1976 (Karnataka Act 28 of 1976) against any institution who refuses to admit students selected by the Selection Committee under these rules.

(14) Fees :- The fees payable by the candidates shall be as determined by the State Government.

By order and in the name of the
Governor of Karnataka

(V. Jagadeeshaiah)
Under Secretary to Government,
Education Department

EDUCATIONSECRETARIAT

NOTIFICATION

No. ED 67 PTI 96, Bangalore, dated 15th June 1996

In exercise of the powers conferred by sub-section (1) of Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) the Government of Karnataka hereby makes the following rules; namely:-

1. Title, Commencement and Application :- (1) These rules may be called the Karnataka Selection of candidate for admission to Teachers Certificate Higher Course (T.C.H.) and Bachelor of Education Course (B.Ed.) 1996.

(2) The rules shall come into force on the date of their publication in the official Gazette.

(3) These rules shall apply to the selection of candidates for admission to Teachers Certificate Higher Course and Bachelor of Education Course.

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

(i) "Aided Institution" means any institution which receives Grant-in-aid from the Government;

(b) "Defence Personnel" means,

(i) defence personnel who are working continuously in Karnataka for atleast one year on the date of application; or

(ii) who have declared their home town as Karnataka while joining defence services and are working at present anywhere in the defence service; or

(iii) Ex-defence personnel seeking admission and belonging to Karnataka; or

(iv) dependent wife/husband, sons/daughters of Ex-defence personnel who are natives of Karnataka Killed/disabled in action.

(c) "Director" means the Director for Public Instruction (Research and Training);

(d) "Gandinadu Kannadiga" means sons/daughters of parents whose mother tongue is Kannada and who have been residing for atleast five years in the disputed border areas i.e. Kasargod, Sholapur, Akkalkot, Jath as on the 1st day of July of the year of admission under these rules. The proof of mother tongue shall be on the basis of school leaving certificate issued by the institution where the candidate has studied.

(e) "Government Seats" means and includes

(a) all the seats in the institutions, established and/or administered by the State Government or University;

(b) 75% of seats in non-minority aided institutions;

(c) 65% of seats in aided minority institutions;

(d) 50% of seats in unaided institutions, both Minority and non-minority.

(f) "Horanadu Kannadiga" means son/daughters of parents whose mother tongue is Kannada and who are at present residing outside Karnataka for a period of 5 years or more as on the First day of July of the year in which admission under these rules is sought and whose son or daughter seeking admission under these rules passed the equivalent qualifying examination outside Karnataka.

Such persons shall produce a proof that one of the parents/Grand parents have been born and brought up in Karnataka and produce any one of the following evidences-

(i) Relevant entries in the School records of the parents/Grand parents;

- (ii) entries in the ration card/voters list;
- (iii) Domicile Certificate of the Parent/Grand parent during the relevant period.
- (g) "Institution" means
 - (i) in respect of B.Ed., Colleges, any college affiliated to a University under section-53 of Karnataka State Universities Act 1976 imparting teaching in education at degree level;
 - (ii) in respect of T.C.H any institution established or recognized by the Government imparting Pre-service teacher training leading to a T.C.H certificate issued by the Karnataka Secondary Education Examination Board;
 - (h) "Karnataka Student" means a student who has studied in one or more Government or Government recognised Educational Institutions located in the State of Karnataka for a minimum period of seven academic years (commencing from 1st standard upto II PUC/12th Standard both inclusive or qualifying examination either continuously or in broken periods) as on 1st July of the year in which admission under these rules is sought and has studied, appeared and passed the Secondary School Leaving Certificate or 10th Standard examination or the Second Per-University course examination/12th Standard examination in a Government or Government recognised Educational Institution located in the State of Karnataka. In respect of candidates who have directly appeared for SSLC or PUC or studied in Open School, the period of 7 years teaching shall not be insisted. However, such persons shall produce Domicile Certificate for 7 years.
 - (i) "Minority Institution" means an institution run by religious or linguistic minority management and is recognised as such by the competent authority.
 - (j) "NCC Cadet" means students who have served in NCC for not less than two years and are in possession of "B" certificate.
 - (k) "Nodal Centre" means an educational Institution specified by the Special Officer for issue and receipt of application forms as well as other admission formalities under these rules.
 - (l) "NSS Candidate" means students who have served in NSS and have participated in at least two camps and produce certificate from the competent authority in this behalf.
 - (m) "Other seats" means seats other than Government seats in institutions and include ten percent seats reserved for in-service candidates in respect of B.Ed. Course;
 - (n) "Rural Candidate" means a candidate as defined in the K.C.S. (General Recruitment) Rules, 1977, as amended from time to time;
 - (o) "Scouts and Guides" means student serving in Scouts and Guides for not less than three years and have participated in Jamboorie organised at the State level or possessing a President's Scouts Guides certificate.
 - (p) "Special Officer" means an Officer not below the rank of Joint Director of Public Instruction appointed by the State Government to make centralised selections under these rules for Government seats.
 - (q) "Sports person" means student who has participated in sports/athletics/games organised at the State level by the Education Department/University/Directorate of Youth Services and sports and who produces a certificate(s) to that effect issued by the authority competent to certify as such;
 - (r) "Unaided Institution" means any institution permitted and recognised by Government of Karnataka but not receiving any grant-in-aid;

3. Eligibility:- No person shall be eligible for admission under these rules, unless he is a citizen of India

(a) in respect of Teachers Certificate Higher (T.C.H) Course, unless he has passed the second year pre-university course or its equivalent examination:

Provided that the minimum marks for the purpose of qualification shall be,

(i) 45 per cent in the case of candidates belonging to Scheduled Castes and Scheduled Tribes, Category-I of other Backward Classes as specified in the relevant orders issued by the State Government from time to time and physically handicapped candidates;

(ii) 50 per cent in the case of other candidates

Provided further that no person who has passed Secondary/Pre-University Vocational Education Course/Diploma or any other Job Oriented Course shall be eligible for admission to T.C.H. Course;

(b) in respect of admission to Bachelor of Education Course unless he has obtained a degree in Bachelor of Arts or Bachelor of Science with any one language and at least two subjects out of three electives, specified below :

Languages:- English, Kannada, Hindi, Urdu, Sanskrit, Marathi

Electives :- History, Political Science, Sociology, Geography, Economics, Physics, Chemistry, Botany, Zoology, Geology, Mathematics, Biology, English, Kannada, Hindi, Urdu, Marathi and Sanskrit.

Provided that the minimum marks for the purpose of qualification specified above shall be-

(i) 45 per cent marks in the aggregate of three years study in the case of candidates belonging to Scheduled Caste, Scheduled Tribes, Category-I of other Backward Classes as specified in the relevant orders issued by the State Government from time to time and physically handicapped candidates;

(ii) 50 per cent in the case of other candidates

4. Allocation of Seats:-

(1) Every Institution shall have two categories of seats :-

(i) Government seats and

(ii) Other seats

(2) All Government seats shall be filled by,

(i) Karnataka students;

(ii) Other candidates specified in sub-rule (2) of Rule - 7

(3) The total number of seats in each institution, in both categories shall be so distributed as to ensure in any one methodology not less than five seats in each of the languages and not less than fifteen but not exceeding thirty seats in each elective subjects and also to keep open,-

(a) In respect of T.C.H., fifty per cent of the seats for candidates who have studied Science subjects and fifty per cent for candidates who have studied Arts subjects in the P.U.C.

(b) In respect of B.Ed., fifty per cent of the seats for candidates possessing Degree in Science and fifty per cent for Candidates possessing Degree in Arts.

Provided that if sufficient number of candidates in any one discipline, namely Science or Arts, are not available, such seats shall be filled by other disciplines subject to the minimum and maximum specified in this rule under each methodology.

5. Determination of Merit :- The merit shall be determined.

(i) for admission to T.C.H. Course by taking the aggregate marks obtained in the Second year Pre-University Course Examination or in any other equivalent examination

(ii) for admission to the B.Ed. Course by taking the aggregate marks obtained in all the three years examinations in the B.A. or B.Sc. examination.

Provided that while preparing the merit list, a weightage of five percent shall be added to the percentage of the marks secured by a rural.

6. Procedure for Selection of Candidates :- Procedure for selection of candidates for admission to institutions against Government seats shall be as follows:-

(1) The Special Officer shall by notification publish in the Official Gazette call for applications from eligible candidates for admission to T.C.H. and B.Ed. Courses every year. A copy of such notification shall be displayed on the notice Board of the office of the Special Officer as well as in the nodal centres in each district. The abstract of the notification shall also be published in atleast one English and one Kannada news paper having wide circulation in the State. The notification shall contain the following particulars :-

- (a) names and locations of educational institutions where admission is provided.
- (b) names of the institutions where the application forms are available.
- (c) names of the institutions where the completed application forms are to be submitted.
- (d) number of Government seats available in the T.C.H. and B.Ed. Courses.
- (e) eligibility criteria for admission to each course.
- (f) reservation of seats for various categories in each course
- (g) details regarding Application, Registration and Admission Fee payable
- (h) last date for the receipt of completed application forms and
- (i) any other information as deemed fit.

(2) Incomplete applications and applications submitted after the last date shall be rejected.

(3) The Special Officer shall, out of the applications received, prepare a list of all eligible candidates in the order of merit called the merit list. The list of candidates whose applications are rejected shall be notified. The merit list shall be displayed on the notice board of the office of the Special Officer and also in all the nodal centres.

(4) The Special Officer shall, then publish the first list of the candidates containing not more than twenty five percent of total number of candidates specified in list referred to in clause (3) in order of merit and who are selected and specifying the names of the institutions to which they are allotted. Allotment of the institutions shall be made according to the choice of the candidate to the extent possible. This list shall be displayed in all the nodal centres. Wide publicity through press shall be issued providing a time of not less than five working days for payment of admission fees, submission of documents and completion of admission formalities at the nodal centres by the selected candidates failing which their seats will be cancelled.

(5) Candidates will be permitted to seek a change of institution by appearing at the counselling session before the Special Officer on the notified dates, who shall consider a change in the remaining available seats not yet notified.

(6) Soon after the admission in respect of the first list are completed, the Special Officer shall notify the second list containing the names of candidates containing not more than twenty five percent of the remaining candidates in the list referred to clause (3) and the procedure specified in clause (4) and (5) shall apply and follows the above procedure for completing the admissions in respect of this list. The third and the fourth lists shall similarly be notified and admissions completed by following the same procedures

(7) Reservation of Seats:-

(1) Reservation shall be made for the candidates belonging to the Schedule Caste, Schedule Tribe and Other Backward Classes as specified by the Government from time to time. If any of the seats reserved for candidates belonging to Scheduled Caste, Scheduled Tribe and Other Backward classes are not filled due to non-availability of eligible candidates, reservation to that extent shall stand reduced and shall be filled by general merit candidates.

Provided that not less than thirty per cent of seats in respect of B.Ed. Course and not less than fifty per cent in respect of T.C.H. shall be filled up by women candidates in each category

Provided further that if sufficient number of women candidates are not available in the particular category, such seats shall be filled up by other male candidates belonging to those categories :

Provided also further that two percent of the seats in each category shall be reserved for physically handicapped candidates. If sufficient number of candidates are not available, such seats shall be filled up by other candidates in that category.

(2) Out of the total number of seats, following number of seats shall be reserved for various Special groups Specified below and they shall be filled in accordance with these rules.

	T.C.H	B.Ed
1. Son or daughter of defence personnel /Defence personnel themselves	20	15
2. Son or daughter of Gadinadu Kasnadigas	5	5
3. Son or daughter of Horanadu Kannadigas	5	5
4. NCC Cadets	10	8
5. NSS Corps	-	7
6. Sports Persons	20	15
7. Scouts and Guides	10	-
	70	55

(8) Selection for other seats :

The respective institution shall call for applications from the eligible candidates for admission to T.C.H. and B.Ed. courses in their institutions in respect of other seats and fill up such seats in accordance with the eligibility criteria as envisaged in these rules and merit. The list of selected candidates in respect of T.C.H. shall be got approved by the Principals of the DIET's of the concerned District and in respect of B.Ed. candidates the list shall be got approved by the Director. Research and Training.

(9) Penalties :

Where a candidate, his parents or guardian furnishes false or incorrect information regarding marks card or statement of marks or a certificate or an affidavit along with the application, such application shall be liable to be rejected and the seat, if any, given to such candidate shall be liable to be forfeited. Such candidate, his parents or guardian, as the case may be, shall also render themselves liable for both civil and criminal action. Where the Director considers that action should be taken under these rules for rejection an application and forfeiting a seat he shall pass appropriate orders after holding such enquiry as he deems necessary and after giving reasonable opportunity to the candidate and or his parents or guardian concerned to make his representation.

(10) Non-compliance of these rules :

Such of the institutions which refuse to admit the candidates selected by the Centralised Admission Cell or select the candidates in violation of any of the provision in these rules shall be liable for proceedings which lead to withdrawal of the recognition already granted to them.

(11) Fees : The fee for admission to T.C.H. and B.Ed. courses shall be such as may be determined by the Government from time to time.

(12) Repeal and Savings :

(1) The Karnataka Selection of Candidates for admission to Teachers Certificate Higher Rules, 1995 and the Karnataka Selection of candidates for admission to Bachelor of Education (B.Ed.) Course Rules, 1995 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or any notification, orders made or issued shall in so far as it is not inconsistent with the provision of these rules, continue in force and shall be deemed to have been made or issued under the provisions of these rules, unless and until it is superseded by any notification or order / orders issued under the provisions of these rules .

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

M.PANKAJA,
Special Officer & Ex-Officio
Deputy Secretary to Government
Education Department.

**THE KARNATAKA SELECTION OF CANDIDATES FOR
ADMISSION TO TEACHERS CERTIFICATE HIGHER COURSE (TCH) AND
BACHELOR OF EDUCATION COURSE (B.ED.) (AMENDMENT) RULES, 1997**

In exercise of the powers conferred by sub-section (1) of Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) the Government of Karnataka hereby makes the following Rules further to amend the Karnataka Selection of Candidates for Admission of Teachers Certificate Higher Course (TCH) and Bachelor of Education (B.Ed.) Rules, 1996, namely.-

1. Title and commencement :- (1) These rules may be called the **Karnataka Selection of candidates for admission to Teachers Certificate Higher Course (T.C.H.) and Bachelor of Education Course (B.Ed.) (Amendment) 1997.**

(2) These rules shall come into force on the date of their publication in the official Gazette.

2. Amendment of Rule 2 :- In the Karnataka Selection of Candidates for Admission to Teachers Certificate Higher Course (TCH) and Bachelor of Education Course (B.Ed) Rules, 1996 (hereinafter referred to as the said rules),

(A) for clause (b), following shall be substituted, namely .-

(b) " **Defence personnel**" means personnel of defence service.-

(i) who worked continuously in Karnataka for a minimum period of one year (from 1st July of the previous year 30th June by the year of admission);

Note.- Candidate should have passed the qualifying examination from an Educational Institution in Karnataka run or recognised by the State Government;

OR

(ii) who at the time of joining defence service had declared his home-town a place in the State of Karnataka and proof of such domicile having been produced by obtaining from the Record office of the Defence Unit;

OR

(iii) who had served in Karnataka for atleast one year and is posted on duty directly to the disturbed areas of Jammu and Kashmir or North East and whose family is permitted by Defence authorities to continue to stay in Karnataka.

Note.- The candidate should have passed the qualifying examination from an educational institution in Karnataka run or recognised by the State Government.

(ba) " **Ex-serviceman**" means a person who has served in any rank whether as a combatant or as a non-combatant in the Army, Navy or Air Force of the Indian Union and at the

time of joining defence service had declared a place in Karnataka as his home-town and.-

- (i) who retired from such service after earning his pension; or
- (ii) who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension, or
- (iii) who has been released otherwise than on his own request from such service as a result of reduction in establishment; or
- (iv) who has been released from such service after completing the specific period of engagement, otherwise than at his own request or by way of dismissal or discharge on account of misconduct of inefficiency and has been given a gratuity; and includes personnel of the territorial army of the following categories, namely.-

- (a) pension holders for continuous embodied service;
- (b) pension holders with disability attributable to military service; and
- (c) gallantary award winners, excluding Defence Security Corps, General Reserve Engineering Force, the Lok Sahayak Sena and the Para-Military Territorial Army other than those in sub-clause (iv):

Provided that a person who has served for not less than five years and was honourably discharged prior to first July, 1987 shall consider as ex-serviceman; or

Note.-Should have passed the qualifying examination from an educational institution in Karnataka run or recognised by the State Government”;

(B) for clause (d), the following shall be substituted, namely.-

(d) **“Gandinadu Kannadiga”** means candidate whose mother tongue is Kannada, Kodava or Tulu and who resides in disputed Kannada speaking areas of South Sholapur, Akkalkot, Jath or Gandhinglaj or Maharashtra State or Kasargod Taluk of Kerala State

(C) in clause (e), for sub-clauses (c) and (d), the following shall be substituted, namely.-

“(c) fifty percent of seats in aided minority institutions,

(d) fifty percent of seats in unaided non-minority institutions”;

(D) for clause (f) the following shall be substituted, namely.-

“(f) **“Horanadu Kannadiga”** means candidate whose mother tongue is Kannada Kodava or Tulu and who is residing outside Karnataka but within the territory of India for a period of five years as on the 1st July of the year in which admission is sought under these rules and who has passed the qualifying examination from a University or Board or any other institution located outside Karnataka;

(ff) **“Intake”** means the sanctioned strength of course fixed by the Government, the affiliating authority;

(E) in clause (h), for the words “However, such persons shall produce domicile certificate for 7 years”, the words “However, such persons shall produce domicile certificate for 7 years” from the Tahsildars of concerned taluks.

Note.- “The candidate who had taken more than one year to pass a class or standard the years of academic study is counted as one only” shall be substituted.

(F) in clause (m), the words “and include ten per cent seats reserved for in-service candidates in respect of B.Ed. Course” shall be omitted;

(G) in clause (p), for the words “Joint Director”, the words “Deputy Director” shall be, substituted, namely.-

(a) In respect of Teachers Certificate Higher (TCH) Course, unless he has passed the Second Year Pre-University Course or its equivalent examination and shall have studied any two of the languages specified below either in S.S.L.C. or in P.U.C. or 12th Standard.

Languages.- English, Kannada, Hindi, Telugu, Arabic, Tamil, Malayalam, Urdu, Marathi, Sanskrit:

Provided that a Commerce Student shall have studied in PUC any two of the elective subjects he has studied at High School level:

Provided further that the minimum marks for the purpose of qualification shall be.-

- (i) forty-five per cent in the case of candidates belonging to Scheduled Castes and Scheduled Tribes, Category-I of other Backward Classes as specified in the relevant orders issued by the State Government from time to time and physically handicapped candidates;
- (ii) fifty per cent in the case of other candidates:

Provided also that “no person who has passed Secondary / Pre-University, Vocational Education Course / Diploma or any other job oriented course shall be eligible for admission to TCH. Course”.

4. Amendment of Rule 6.- In Rule 6, for sub-rules (2), (3), (4), (5) and (6) the following shall be substituted, namely.-

“(2) Incomplete applications and applications submitted after the last date and invalid, incomplete certificates and certificates obtained after the last date fixed for submission of application shall be summarily rejected. Similarly, applications sent either by post or submitted directly to Special Officer shall be summarily rejected

(3) The Special Officer shall, out of the applications received, prepare a list of all eligible candidates in the order of merit called the merit called the Eligibility List. The list of candidates whose applications are rejected shall be notified. A list containing register number of all eligible candidates in the order of merit (Nodal Centrewise) shall be published at the Nodal Centres. Candidates who are aggrieved by their ranking and other particulars may verify the list and file their objections at the Nodal Centres on the specified proforma within ten days from the date of publication of the list.

(4) After the last date fixed for filling up of objections, the Special Officer shall then publish the list of the provisionally selected candidates referred in clause (3) in order of merit and who are selected and specifying the names of the Institutions to which they are allotted. Allotment of the Institutions shall be made according to the choice of the candidates to the extent possible. The list shall be displayed in all the Nodal Centres. Wide publicity through press shall be issued providing a time of not less than seven working days for payment of admission fees, submission of documents and completion of admission formalities at all the Nodal Centres. When once candidate is admitted it shall be final and he shall not have any more opportunity to exercise his option.

(5) Selected candidates who do not get themselves admitted at Nodal Centres, will be permitted to appear at counselling before the Special Officer with all his originals on the notified dates. These candidates shall however, not have any claim on the seat earlier allotted to him/her and will be offered any seats available at the time of counselling. Candidates can appear for counselling only on the dates specified for then, and will not be permitted for counselling on any other date.

(6) For the seats remaining vacant even after re-allotment and counselling, a final allotment list shall be announced from out of the eligibility list. No intimation shall be sent by post to candidates regarding their selection. Such candidates shall complete their admission formalities at the respective Nodal Centres within seven working days. Seats still remaining vacant shall be filled up by management in accordance with Rule 8.

(7) Admission to B.Ed. Course under these rules is provisional subject to approval of the respective Universities in accordance with their regulations”.

6. Amendment of Rule 7.- In Rule 7 of the said Rules.-

In sub-rule (1)

(a) at the end, the following shall be inserted, namely.-

“The candidates who belong to Scheduled Caste, Scheduled Tribe and Category-I shall produce caste certificate verified and issued by Competent Authority concerned and candidates who belong to II-A, II-B, III-A and III-B shall produce both validity caste and income certificates issued by the Competent Authority concerned taluks as specified by Government.

Provided that only candidates of Karnataka origin (other than those referred to under clause (d) and clause (f) of rule (2) shall be eligible to claim the benefit of reservation under this sub-rule (1)”;

(b) for the first, second and third proviso the following shall be substituted, namely.-

“(1-A) Not less than thirty per cent of seats in respect of B.Ed. Course and not less than fifty per cent in respect of T.C.H. Course shall be filled up by women candidates in each category:

Provided that if sufficient number of women candidates are not available in the particular category, such seats shall be filled up by other male candidates belonging to those categories.

(1-B) Not less than two per cent of the seats in each category shall be reserved for physically handicapped candidates shall produce a certificate issued by the Competent Authority as specified by the Government from time to time indicate the extent of loss (Handicap):

Provided that if sufficient number of candidates are not available, such seats shall be filled up by other candidates in that category”;

(c)for sub-rule (2), the following shall be substituted, namely.-

“(2) Out of the total number of seats, the following number of seats shall be reserved for various special groups specified below and they shall be filled in accordance with these rules:

		TCH	B.Ed.
1.	Son/Daughter of Defence Personnel / Defence Personnel themselves	10	7
2.	Son/Daughter of Ex-serviceman / Ex-servicemen themselves	10	8
3.	Gadinadu Kasnadiga	5	5
4.	Horanadu Kannadiga	5	5
5.	N.C.C Cadets	10	8
6.	N.S.S Corps	-	7
7.	Sports Persons	17	12
8.	Scouts and Guides	10	-
9.	Candidates sponsored by Women and Child Development Department from out of Correctional Institutions	3	3
		70	55

Provided that if eligible candidates in the above categories are not available for allotment,

the reservation to that extent shall stand reduced and transferred to General Merit Category”.

6. Amendment of Rule 8.- In Rule 8 of the said Rules, for the words “Director Research and Training”, the words “University concerned” shall be substituted.

7. Amendment of Rule 9.- In Rule 9 of the said Rules, for the word “Director”, the words “Special Officer” shall be substituted.

8. Amendment of Rule 11-A.- After the Rule 11 of the said Rules, the following rule shall be inserted, namely.-

“11-A. Forfeiture of the Fees.- After admission, if a candidate desires to cancel his allotted seat within the period of seven days allotted for reporting, ten per cent of the fees paid by the candidate shall be forfeited towards administrative expenses. If a candidate desires to cancel his allotted seat after admission and before completion of counselling period fifty per cent of fees shall be forfeited. If a candidate desires to cancel his admission after the counselling period, no refund of fees shall be made and the entire amount shall be forfeited”.

**THE KARNATAKA SELECTION OF CANDIDATES FOR
ADMISSION TO TEACHERS CERTIFICATE HIGHER COURSE (TCH)
AND BACHELOR OF EDUCATION COURSE (B.ED.) (AMENDMENT)
RULES, 1998**

In exercise of the powers conferred by sub-section (1) of Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby makes the following Rules further to amend the Karnataka Selection of Candidates for Admission of Teachers Certificate Higher Course (TCH) and Bachelor of Education (B.Ed.) Rules, 1996, namely.-

1. Title and commencement :- (1) These rules may be called the **Karnataka Selection of Candidates for admission to Teachers Certificate Higher Course (T.C.H.) and Bachelor of Education Course (B.Ed.) (Amendment) 1998.**

(2) These rules shall come into force on the date of their publication in the official Gazette.

2. Amendment of Rule 3 :- In the Rule 3 of the Karnataka Selection of Candidates for Admission to Teachers Certificate Higher Course (TCH) and Bachelor of Education Course (B.Ed) Rules, 1996 (hereinafter referred to as the said rules).-

(1) in clause (a) after the third proviso the following shall be inserted, namely.-

“Provided that a candidate shall be eligible for admission to a course in particular language medium only if he has studied in that medium in S.S.L.C. or its equivalent examination or has studied that language as first language in S.S.L.C. or its equivalent examination”.

(2) in clause (b).-

(i) after the words “three electives specified below”, the words “during all the three years of course of study” shall be inserted;

(ii) under the heading “electives” the word “Geology” shall be omitted;

(iii) in the proviso for the words “provided that” the words “Provided further that” shall be substituted and before the proviso as so amended, the following proviso shall be inserted, namely.-

“Provided that candidates who have obtained a Bachelor of Arts or Bachelor of Science degree from the Universities situated outside the Karnataka State should have studied at least two electives specified above in their three year course of study by appearing in one subject in the University examinations for at least two years and in the Principal subject for at least three

years only and if there is any change of subject during the course of study of three years, such candidates shall not be eligible for admission to Bachelor of Education (B.Ed.) course”.

3. Amendment of Rule 5.- In Rule 5, of the said rules, in clauses (i) and (ii), the following shall be inserted at the end, namely.-

“excluding the internal marks and the marks obtained in the class examinations”.

4. Amendment of Rule 6.- for clauses (2), (3), (4), (5) (6) and (7) of the said rules, the following shall be substituted, namely.-

“(2) Incomplete applications and applications submitted after the last date and application sent by post shall be summarily rejected. The Special Officer shall not accept any application directly made to him.

(3) All eligible candidates shall submit their applications in duplicate with photocopies of PUC / three years Degree Marks Cards. The Special Officer shall form out of the applications so received, prepare an eligibility list in respect of each Nodal Centre stating the register number of eligible candidates in their order of merit. Based on the information furnished in the application / computer form, the Special Officer shall then publish at each Nodal Centre provisional select list of candidates in their order of merit, as also a provisional allotment list and rejection list. A copy of provisional selection list made District-wise shall be sent to the verification committee concerned to enable them to issue validity certificate within 30 days from the date of publication of this list.

(4) A candidate who is on the provisional select list shall submit his option either to accept the seat in the institution allotted provisionally or to attend the Counselling if he desires a change. They shall also submit all original document such as Marks Cards, rural study certificates (in case of rural candidates) or study certificate (in case of urban candidates), Physically handicapped certificate, Special Group certificates (in respect of Defence Personnel, Ex-servicemen, Gadinadu Kannadiga, Horanadu Kannadiga, NCC, Sports person, Scouts and Guides and NSS) and any other certificates as deemed fit along with two sets of photocopies of each certificate at the concerned Nodal Centres within seven working days from the date of the publication of the provisional select list.

(5) Candidates whose percentage of marks are above the cut-off percentage but whose are missing in the provisional select list may prefer objections in the proforma specified in this behalf with necessary original documents along with two sets photocopies of each such documents at the concerned Nodal Centres within seven working days from the date of publication of the provisional select list.

(6) After receipt of the original documents and objections from the Nodal Centres, verification will be done at Centralised Admission Cell and the Special Officer shall then publish the final select list of candidates in their order of merit specifying therein the names of Institutions to which they are allotted. Allotment to Institution shall be made according to the choice of the candidates to the extent possible. The list shall be displayed at the office of the Special Officer as well as in all the Nodal Centres. Wide Publicity through Press shall be issued allowing seven working days time to the selected candidates for payment of admission fee, submission of Validity Certificate Physical fitness certificates and for fulfilling other admission formalities. Candidates who accept the seat offered should get themselves admitted at concerned Nodal Centres and candidates who are not willing to accept the seat offered shall attend counselling at Centralised Admission Cell on the specified dates. Once a candidate is admitted, he shall not have any more opportunity to exercise his option, nor shall he be permitted to attend counselling. Candidates who attend counselling and refuse the seat offered shall not

be eligible for further counselling.

(7) A provisional waiting list shall be published along with final select list. This waiting list shall be announced at all the Nodal Centres. A copy of the waiting list shall be sent to all the District Verification Committees to enable them to issue validity certificate within 30 days. Candidates in provisional waiting list shall also produce original documents will two sets of photocopies at the concerned Nodal Centre within 7 working days from the date of publication of lists.'

(8) For the seats remaining vacant even after re-allotment and counselling, further conselling shall be done be selecting the candidates from out of the waiting list by reducing the cut off percentage under the category in which vacancies exist. These process shall be continued till all the vacant seats are filled up in all the categories under Government seats. Seats still remaining vacant even after the last date fixed by the Government for counselling shall be filled up by management in accordance with Rule 8".

5. Amendment of Rule 7.- In Rule 7 of the said rules.-

(1) in sub-rule (1) for the words starting with "the candidates who belong to Scheduled Castes" and ending with the words "specified by the Government" the following shall be substituted, namely.-

"No candidate belonging to the Scheduled Caste or the Scheduled Tribe, or to the Categories I, II(a), II(b), III(a), III(b) shall be given admission unless he produces at the time of admission, the validity certificate issued by the verification committee.

(2) in sub-rule (1-B), after the proviso the following proviso shall be inserted, namely.-

"Provided further that candidates suffering from disability exceeding 75 per cent are not eligible for selection under these rules and the selected candidates have to appear before the Medical Board and produce the certificate issued by the Medical Board at the time of admission".

6. Amendment of Rule 11.- In Rule 11 of the said rules the following proviso shall be inserted, namely.-

"Provided that the candidates belonging to the Scheduled Caste or Scheduled Tribe or Category I shall not pay any fee".

**THE KARNATAKA SELECTION OF CANDIDATES FOR
ADMISSION TO TEACHERS CERTIFICATE HIGHER COURSE (TCH) AND
BACHELOR OF EDUCATION COURSE (B.ED.) (AMENDMENT) RULES, 2000**

In exercise of the powers conferred by sub-section (1) of Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984) the Government of Karnataka hereby makes the following Rules further to amend the Karnataka Selection of Candidates for Admission of Teachers Certificate Higher Course (TCH) and Bachelor of Education (B.Ed.) Rules, 1999, namely:-

1. Title and commencement :- (1) These rules may be called the **Karnataka Selection of candidates for admission to Teachers Certificate Higher Course (T.C.H.) and Bachelor of Education Course (B.Ed.) (Amendment) 2000.**

(2) These rules shall come into force on the date of their publication in the official Gazette.

2. Amendment of Rule 2 :- In rule 2 of the Karnataka Selection of Candidates for Admission to Teachers Certificate Higher Course (TCH) and Bachelor of Education Course (B.Ed) Rules, 1999 (hereinafter referred to as the said rules),

(i) in clause (j) for sub- clause (c) and (d), following shall be substituted, namely :-

“(c) Fifty percent of seats in institutions both aided Minority and un aided non Minority

(d) twenty five percent of seats in un aided non Minority institutions”

(ii) for clause (p) the following shall be substituted namely:-

“(p) N.C.C Cadet means candidates:-

(i) Who have participated in the following camps conducted by the Directorate General of NCC New Delhi from Karnataka and who possess atleast ‘B’ Certificate under NCC obtained during the five year period of study in Karnataka between VIII and XII Standard namely:-

- (a) Republic Day Camp
- (b) Independence Day camp
- (c) Basic leadership camp(boys)
- (d) Basic leadership camp(girls)
- (e) Vayu Sainik camp: or

(ii) Who possess atleast ‘B’ Certificate under NCC obtained during the five year period of study in Karnataka between VIII and XII Standard

Provided that the candidates referred to in item (a) of sub-clause (i) shall be considered first before considering candidate referred to in the other items of that sub-clause who will be considered before considering candidate referred to in sub-clause (ii) above

Provided further that candidates possessing ‘B’ certificate and adjudged Best Cadet in camps mentioned in item (a) of sub-clause (i) shall have precedence over all other candidates seeking admission under that item and the candidates adjudged Best Cadet in camps mentioned in item (b) to (f) of sub-clause (i) shall have precedence over all other candidates seeking admission under each of those items”.

- (i) clause (u) shall be omitted
- (ii) for clause (y), the following shall be substituted, namely:-

“(y)” sports person” means student who was participated in sports/ Athletics /Games during a period five years between VIII and XII standard for T.C.H. Course or during period of 8 years between VIII and III year for B.Ed course organized at the State Level/National Level by the Education Department or University/Director of Youth Services and sports and a certificate to that effect issued by the authority competent to certify as such. Shall be produced”.

- 2. Amendment of rule 3:- In sub-rule (3) of rule 3 of the said rules, for clause (ii), the following shall be substituted, namely:-

“(ii) The common Entrance Examination shall comprise of the following subject:-

Paper I	(1) mental Ability	25 Marks
	(2) Teaching Aptitude	25 Marks
	(3) General knowledge	35 Marks
	(4) Value Education	15 Marks
		100 Marks

Paper II- (1) Group A PCM 33+34+33=100 Marks

(2) Group B CBZ 33+34+33=100 Marks

(3) Group C H-S/P/KA/EN/HN/40+30+30=100 Marks

(4) Group D H-E/G/KA/EN/HN/40+30+30=100 Marks

(iia) Paper I is common. Out of 4 groups in paper II, one Group will have to be selected based on electives studied at degree level.

(iib) Group (c) and (D) consist of six subjects. Candidates shall have to answer History Compulsorily, carrying 40 marks and out of the remaining five subjects, candidates shall have option to select any two subjects carrying 30 marks each:

provided that not more than one language specified above, shall be permitted to be selected.

4. Amendment of rule 5:- In rule of the said rules, after sub-rule (3), the following provisos shall be inserted, namely:-

“Provided further that in Science discipline sixty per cent of seats shall be filled by PCM candidates and forty per cent by CBZ candidates, and sufficient number of candidates in any one group namely PCM or CBZ are not available such seats shall be filled by candidates of other group in that discipline;

Provided also that the maximum and minimum limit in elective subjects shall not apply to the Institutions which has provision for teaching either History or Geography as only method of teaching in Arts Group”.

5. Amendment of rule 6:- The provision to sub-rule (2) of rule 6 of the said rules shall be omitted.

6. Amendment of rule 7:- In rule 7 of the said rules:-

- (i) in sub-rule(7), the words “Physical Fitness Certificate” shall be omitted
- (ii) for sub-rule (8), the following shall be substituted, namely:-

“(8) For the sets remaining vacant even after re-allotment and counseling, further counseling shall be done by selecting the candidates from out of the waiting list by reducing the cut off percentage under the category in which vacancies exist. This process shall be continued till all the vacant seats are filled up in all the categories under Government seats, until the list of eligible candidates is exhausted . Seats still remaining vacant shall be filled up by management if the Government issues specific orders in this regard”.

7. Amendment of rule 8:- in rule 8 of the said rules,-

- (i) for sub-rule (4), the following shall be substituted, namely:-
“(4) not less than three per cent of the seats in each category shall be reserved for persons with disability, who produce a certificate in this behalf issued by a Medical Officer not below the rank District Surgeon:

Provided that if sufficient numbers of persons with disability are not available, shall fill up such seats the other candidates in that category .

Provided further that the persons suffering from less than per cent of any disability or exceeding seventy five percent of disability are not eligible for selection and the selected candidates have to appear before the Medical Board comprising of the Special Officer as the Chairman and three specialist from the Department of Orthopedics, Ophthalmology and E.N.T nominated by the Director of Medical Education, Bangalore on the dates specified by the Special Officer. If the Medical Board Certifies that the percentage of disability is below forty per cent such a candidates loses selection under Physically handicapped quota and will be treated as normal candidates for selection subject to fulfillment of other eligibility criteria. Further if the Medical Board certified that the percentage of disability exceeds seventy five percent such a candidates shall not be eligible for admission to courses under these rules.

Provided also that the candidates with hearing defect have to undergo Audiogram Test at NIMHANS HOSPITALS, Bangalore and produce Audiogram Report to the Medical Board for further Examination.

Explanation:- Person with disability shall have the same meaning assigned to it, in the persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995”.

(ii) in sub-rule (5), in the Table in serial numbers 1 and 2 after Son/daughter, the words “or spouse” shall be inserted.

8. Amendment of rule 9:- In rule 9 of the said rules, the words “by the University concerned” shall be substituted by “ by the Director of SERT, before submitting for approval to the University concerned”.

The following shall be inserted at the end, namely:-
“provided that sub-rule (3) of rule 3 shall not apply for selection of candidates under this rule”.

9. Amendment of rule 12:- After the provision to rule 12 of the said rules, the following shall be inserted, namely:-

“ Provided further that Scheduled Castes and Scheduled Tribes candidates selected under general merit category shall either have to produce validity certificate or pay the prescribed fees at the time of admission and the candidates who have paid the prescribed fees may claim refund of the same from the Special Officer on production of a validity certificate.

10. Amendment of rule 13:- In sub-rule (1) of rule 13, after the words “after fifteen days from date of admission” the words “or after the last day of counseling whichever is earlier” shall be inserted.

By order and in the name of the Governor of Karnataka

(S.Nagaraju)

Under Secretary to Government
Education Department (University)

EDUCATION SECRETARIAT
NOTIFICATION
No. ED 38 PTI 2002, Bangalore, dated 28th August, 2002

In exercise of the powers conferred by sub-section (1) of section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby makes the following rules namely:-

1. Title, Commencement and Application:- (1) These rules may be called the Karnataka Selection of Candidates for admission to Diploma in Education Course (D.Ed) Rules, 2002,
 - (2) These rules shall come into force from the date of their publication in the Official Gazette
 - (3) These rules shall apply to the selection of candidates for admission to Diploma in Education Course (D.Ed)
2. Definition :- in these rules unless the context otherwise requires;
 - (a) "Aided Institution" means any institutions which receives Grant-in aid from the Government
 - (b) "cell" means Centralized Admission cell (CAC) for selection and allotment of candidates to D.Ed courses
 - (c) "committee" means a committee constituted under sub-rule (8) of rule 7
 - (d) "Defense personnel" means personnel of Defense Service:-
 - (1) who has worked continuously in Karnataka for a minimum period of one year from 1st July of the previous year to 30th June of the Year of admission should have passed the qualifying examination from an Educational Institution in Karnataka run or recognized by the State Government.
 - (2) Who at the time of joining Defense Service had declared a place within the State of Karnataka as his home town and proof of such domicile having been produced by obtaining form the Record Office of the Defense Unit: or
 - (3) Who had served in Karnataka for at least one year and is posted on duty directly to the disturbed areas of Jammu and Kashmir or North East and whose family is permitted by Defense Authorities to continue to stay in Karnataka or
 - (4) Who is posted and currently serving in a Defense unit Karnataka

Note: the candidates under item (1) to (4) should have passed the qualifying examination from an educational Institution in Karnataka run or recognized by the State Government

- (e) "Director" means the Director of Public Instruction (Research and Training) or D.S.E.R.T

(f) “Ex-serviceman” means a person who has served in any rank whether as a combatant or as a non-combatant in the Army, Navy or Air Force of the Indian Union and at the time of joining Defense Service had declared a place in Karnataka as his home town and:-

- (1) who retired from such service after earning his pension or
- (2) who has been released from such service on medical ground attributable to military service of circumstanceshis control and awarded medical or other disability pension; or
- (3) who has been released otherwise than on his own request from such service as a result of reduction in establishment
- (4) who has been released from such service after completing the specific period of engagement, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency and has been given a gratuity; and includes personnel of the territorial army of the following categories namely:-

- (a) pension holders for continuous embodied service
- (b) pension holders with disability attributable to military service; and
- (c) Gallant award winners excluding Defense Security Corps, General Reserve Engineering force, the Lok Sahayak Sena and the Para Military Territorial Army other than those in sub-clause (4);

Provided that a person who has served for not less than five years and was honorably discharged prior to 1st July 1987 will be considered as Ex-serviceman;

Note: The candidates under item (1) to (4) should have passed the qualifying examination from an educational institutions in Karnataka run or recognized by the state Government.

- (g) “Gadinadu Kannadiga” means a candidates whose mother tongue is Kannada. Kodava or Tulu and who resides in the disputed Kannada Speaking Area of South Sholapur, Akkalkot, Jath or Gandhinglaj of Maharashtra State or Kasargod Taluk of Kerala State.
- (h) “Government” means Government Karnataka.
- (i) “Horanadu Kanndiga” means a candidates whose mother tongue is Kannada, Kodava or Tulu and who residing outside Karnataka but within the territory of India for a period of five years as on 1st July of the year in which admission is sought under these rules and who has passed the qualifying examination from a University or Board or any other institution located outside Karnataka.
- (j) “Intake” means the sanctioned strength for a course of study fixed by the NOTE
- (k) “Institution” means any Institution established or recognized by the government and N.C.T.E. imparting pre service Teachers Training leading to D.Ed Certificate issued by the Karnataka Secondary Education Examination Board.
- (l) “Karnataka Student” means a student who has studied in one or more Government or Government recognized

(1) “Karnataka Student” means a student who has studied in one or more Government or Government recognized Educational Institutions located in the State of Karnataka for a minimum period of seven academic years (commencing from I Standard upto II PUC/12th Standard both inclusive or qualifying examination either continuously or in broken periods) as on 1st July of the year in which admission under these rules is sought and has studied, appeared and passed the Secondary School Leaving Certificate or 10th Standard Examination or the Second Pre-University Course Examination / 12th Standard Examination in a Government or Government recognized Educational Institution located in the State of Karnataka:

Provided that in respect of Candidates who have directly appeared for S.S.L.C/P.U.C. or studied in open school. The period of seven years study shall not apply subject to the condition that person shall produce domicile certificate for seven years from the Tahsildar of concerned Taluks.

Provided further that, such candidates shall produce the relevant marks card or Certificate from the Board which Show that he/ she is a privative candidates and also specifies the medium of instruction.

Note:- The Candidates who had taken more than one year to pass a class or standard the years of academic study is counted as one year only.

Provided also that:

- (a) in the case of a candidate being son/daughter of an employee of the Union Government or an employee of the Union or Karnataka State Government undertaking or Joint sector undertaking. Who is liable for transfer anywhere in India as per the terms and conditions of his employment has worked continuously for at least one year in Karnataka as on 1st July of the year in which admission is sought and such candidates has studied and passed the qualifying examination from any Government recognized education Institution located Karnataka.
- (b) Son/daughter of a working or retired employee of the Union Government or employee of Union or Karnataka State Government undertaking or Joint Sector undertaking where such employee.
 - (i) Had declared to the employer at the time of joining service any place in Karnataka to be his home town and
 - (ii) Had studied in any Government or Government recognized educational institution or institutions located Karnataka for not less than seven years at any time between 1st standard and 12th standard or II Pre-university Examination.
 - (iii) Was or is liable for transfer and where in India as per the terms and conditions of his employment.
- (c) son/daughter of Members of Parliament elected from Karnataka
- (d) son/daughter of serving or retired employee;
 - (i) belonging to All India Service of Karnataka cadre; and
 - (ii) Of the Karnataka State Government.

Who has served or is serving outside the State of Karnataka during the period corresponding to candidates study outside the State from 1st Std to 12th Std OR II PUC Examination can be added to make up the sever years with in Karnataka.

NOTE: son/daughter under the various clauses means not only natural born son/daughter but also son/daughter in legal terms, provided similar entries are found in the records of study /legal papers are produced to that effect.

(m) “Minority Institution” means an institution run by religious or linguistic minority management and is recognized/declared as such by the Government.

(n) N.C.C. Cadet means candidates:-

(o) who have participated in the following camps conducted by the Directorate General RCC, New Delhi from Karnataka and who possess at least ‘B’ Certificate under NCCduring the five year period of study in Karnataka between VII and XII Standard namely:-

- (a) Republic Day camp
- (b) Independence Day camp
- (c) Basic leadership camp (boys)
- (d) Basic leadership camp (girls)
- (e) Vayu Sainik camp
- (f) Nau Sainik camp: or

(ii) who possess at least ‘B’ certificate under NCC obtained during the five year period ofin Karnataka between VII and XII standard

provided that the candidates referred to I item (a) of sub-clause (i) shall be considered first before considering candidates referred to in the other items of that sub-clause who will be considered before considering candidates referred to in sub-clause (ii) above:

Provided further that candidates possessing ‘B’ certificate and adjudged Best Cadet inmentioned in item (a) of sub-clause (i) shall have precedence over all other candidates seeking admission under that item and the candidates adjudged Best Cadet in ... mentioned in item (a) of sub-clause (i) shall have precedence over all other candidates seeking admission under each of those items.

(o) “N.C.T.E” means the National Council for Teacher Education established under section 3 of N.C.T.E Act 1993 (Central Act No.73 of 1993)

(p) “Nodal Centre” means an Educational Institution specified by the Special Officer foe issuing and receiving of application forms as well as other formalities for admission of candidates under these rules.

(q) “N.S.S Candidates means Student who has served in N.S.S. and has participated in at least two camps and produces a certificate from the competent authority in this behalf.

(r) “Other Seats” means seats other than Government seats in any institutions filled by the management of the institution.

(s) "Scouts and Guides" means student serving in Scouts and Guides for not less than three years and have participated in Jamboree organized at the State Level or possessing either Rajya Puraskar Certificate or President Scouts and Guide Certificate.

(t) "Special Officer" means an Officer not below the rank of Deputy Director of public Instruction appointed by the State Government to make Centralized Selection under thisfor Government

(u) "Sports Person" means student who has participated in Sports/ Athletics/Games during a period of five years between VII and XII Standard organized at the State Level/National Level by the Education Department or University Directorate of youth Services and sports and a Certificate to that effect issued by the authority competent to certify as such shall be produced

(i) "Unaided Institution" means any institution recognized by NCTE but not receivingsalary grant-in-aid from the State Government.

3. Eligibility:- No person shall be eligible for admission under these rules, unless he/she is a citizen of India, and he/she has passed the Second Year Pre-University Course or Examination and shall have studied any two of the languages among Kannada, English, Telugu, Arabic, Tamil, Malayalam, Urdu, Marathi and Sanskrit in SSLC or an 12th Standard:

Provided that a commerce candidate shall have studied in PUC any two of the Selective Subject among History, Economics, Geography, Political Science, Sociology, Kannada Education-1 and Education-2 he/she has studied at High School level:

Provided further that the minimum marks for the purpose of qualification shall be:

(i) Forty Five percent in the case of candidates belonging to Scheduled Caste and Scheduled Tribe, Category-1 of other Backward Classes as specified in the relevant orders issued by the State Government from time to time and Physically Handicapped candidates.

(ii) Fifty percent in case of other candidates.

Provided also that no person who has passed Pre-University Vocational Education Course/Diploma or any other Job Oriented Course shall be eligible for admission to D.Ed Course:

Provided also that a candidates shall be eligible for admission to a Course in particular language medium only if he/she has studied in that medium in S.S.L.C. or equivalent examination or has studied, that language as first language S.S.L.C. or equivalent examination.

4. Allocation of Seats: -

(1) every institution shall have two categories of seats namely:-

(a) Government Seats which includes:

(i) All the seats in the institutions, established and/or administered by the State Government or University:

(ii) Seventy five percent of seats in non- minority aided institutions.

(iii) Fifty percent of seats in institutions both aided minority and un aided non-minority:

(iv) Twenty five percent of sets shall in unaided minority institutions.

(b) Other Seats

(2) All Government Seats shall be filled up by:

1. Karnataka Students

2. Other Candidates specified in sub-rule (7) of rule 7

(3) in each categories fifty percent shall be allotted to candidates who have studied Science Subject and Fifty percent for Candidates who have studied in Arts subject in the PUC/12th Standard / equivalent Examination:

Provided that if sufficient numbers of candidates in any one discipline, namely Science or Arts, are not available such seats shall be filled by candidates of other disciplines.

Provided further that if sufficient number of candidates in any one discipline, namely Arts, or Science are not available for a category of seats, such seats shall be filled through candidates of alternative discipline, subject to a maximum 10% of the total number of seats under management quota. The management seats still remaining vacant after filling a maximum of 10% by the candidates belonging to other / alternative discipline, shall cease to exist for that particular academic year. Management should not fill up such seat for it will attract penal provisions of section 7 of the Karnataka Educational Institutions (Prohibition of Capitations Fee) Act, 1984.

5. Determination of Merit: - (1) the merit shall be determined by taking the aggregate marks obtained in the Second year Pre-University course examination or 12th Standard examination excluding the internal marks and the marks obtained in the class examination.

6. Procedure for selection of candidates: - procedure for selection of candidates for admission to institutions against Government seats shall be as follows:-

(1) The special Officer shall by Notification publish in the leading News Papers and call for Application from eligible Candidates for admission to D.Ed Course every year. A copy of such Notification shall be displayed on the Notice Board of the Office of the Special Officer and nodal Centers in each District. The abstract of Notification shall be published in at least one English and one Kannada News Paper having wide circulation in the State. The application cum Brochure shall contain the following particulars.

(a) Names and location of Educational Institutions where admission is provided.

(b) Names of the Nodal Centers where application forms are available

(c) Names of the Nodal Centers where the filled in application forms are to be submitted

(d) Total intake as fixed had approved by the NCTE during the immediate previous year.(Government and management seats to be indicated separately)

- (e) Eligible criteria for admission to each course.
- (f) Reservation of seats for various categories in each Institutions (during the immediate previous year)
- (g) Details regarding Application, Registration and Admission fee Payable
- (h) Last date for the receipt of filled in application forms
- (i) Any other information as deemed fit

(2) Incomplete Application:, applications submitted after the last date and applications sent by post shall be summarily rejected. The special Officer shall not application form, the special Officer shall not accept any application directly sent to him.

(3) All eligible candidates shall submit their completion application forms to the Nodal Centres Based on the certified information furnished by the candidates in their application form, the special Offices shall then publish :-

- (1) a provisional list of candidates eligible for admission to D.Ed Course
- (2) a provisional list of candidates not eligible for admission to D.Ed Course; and
- (3) a provisional list of candidates selected for admission to D.Ed Course

In each nodal center and in centralized Admission ... on the basis of information furnished in the application form and based on the marks secured by the candidates in the qualifying examination and following reservation roster.

(4) A candidates whose percentage of marks are above the cut off percentage of a provisionally selected candidate may file objection in the perform specified in this behalf along original documents and set of photo copy of each of such document at the concerned nodal centre within seven working days from the date of publication of provisional select list.

(5) A candidate who is on the provisional select list shall submit all original documents specified in the application under sub-rule (3) of the rule 6 to the consent nodal centre for verification within seven days from the date of publication of the provisional select list. A candidate who fails to submit original document within seven days but produces on or before the date of his scheduled counseling could be considered.

(6) After receipt of objections and original document from nodal centre, verification will be done at C.A.C. Bangalore. The special Officer after attending objection and verification of record shall then publish:-

- (1) a final rank list of candidates eligible for admission to D.Ed course;

- (2) a final rank list of candidates not eligible for admission to D.Ed course;
- (3) a final list of candidates selected for admission to D.Ed course in the order of their merit specifying therein the names of the Institutions to which they are allotted .

Allotment to institution will be made according to the choice of the candidates to the extent possible. The list shall be displayed at the office of the Special Officer, Bangalore as well in the Nodal Centers. Wide publicity through press shall be issued allowing seven working days time to the selected candidates for admission in the nodal centers and the candidates who are absent for admission at Nodal Centers shall attend counseling at the Centralized Admission Cell, Bangalore on the dates specified in the Broacher

- (1) For the seats remaining vacant even after allotment and counseling, further counseling shall be done by selecting candidates from out of the remaining ranking eligible list on the basis of their merit under the category in which vacancies exist. This process shall be continued till all the vacant seats are filled up in all the categories under Government Seats, until the list of eligible candidates is exhausted or till the date specified by the Government. Seats still remaining vacant shall be filled up by management only if the government issues specific orders or otherwise such vacant seats shall cease to exist for that particular academic year. Management shall not fill up such seats thereafter for, it will be treated as excess admission and necessary action will be initiated against such erring management.
- (2) Mutual transfer of candidates, selected under Government Quota in case of inter district changes shall be effected by the special Officer. In cases of Mutual transfer within the District. The principal of concerned D.I.E.Ts are authorized. The time Schedule fixed for mutual transfers shall expire after 30 days from the commencement of the Academic year for I.D.Ed as per the calendar of events notified.

Under no circumstances transfer shall be affected with respect to the vacancies that may be remaining.

Candidates applying for mutual changes should submit their mutual consent in the prescribed perform to the concerned authorities.

(7) Reservation of Seats;- (1) Reservation of seats shall apply for both kinds of seats under Government seats and other seats. (Rules applicable to the declared minority institutions are given under separate provisional heading selection of other seats, rule 8)

(2) Reservation shall be made for the candidates belonging to the Scheduled castes, Scheduled tribes and the other Backward Classes as specified by the Government from time to time. If any of the seats reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes are not filled due to non availability of eligible candidates, reservation to that extent shall stand reduce and shall be filled by general merit candidates.

(3) No Candidates belonging to the Scheduled Caste, or the Scheduled Tribe or Candidates selected under Categories-I, II(a), II(b), and III(b) shall be given admission unless he/she produces on the date specified , the Caste cum Income/Caste Certificate in original issued by the competent authority:

Provided that only candidates of Karnataka origin (other than those referred to under clause (g) and clause (i) of rule 2 shall be eligible to claim the benefit of reservation under these rule.

Note:-For the purpose of this rule and rule 11 the Competent Authority means that Tahsildar of concerned Taluk who authorized to issue caste cum Income/Caste Certificate.

(4).Five percent of the seats shall be reserved in Kannada Medium D.Ed Course for candidates of Karnataka, who have studied in Karnataka as the Medium of instruction from I to X Standard and passed S.S.L.C from an educational institution run or recognized by the State Government.

(5) Not less than fifty percent in respect of D.Ed Course shall be filled by Women Candidates in each category.

Provided that if sufficient number of women candidates are not available in any particular category, such seats shall be filled up by other male candidates belonging to those categories.

(6) not less than three per cent of the seats in each category shall be reserved for persons with disability. Who produce a certificate in this behalf issued by a Medical Officer not below the rank of District Surgeon.

Provided that if sufficient numbers of persons with disability are not available, such seats shall be filled up by the other candidates.

Provided further that the persons suffering from less than-forty per cent of any disability or exceeding seventy five percent of disability are not eligible for selection and the selected candidates have to appear before the Medical Board comprising of the special Officer as the Chairman and three Specialists from the Departments of Orthopedics, Ophthalmology and E.N.T nominated by the Director of Medical Education, Bangalore, on the dates specified by the special Officer. If the Medical Board Certifies that the percentage of disability is below forty per cent such a candidate loses selection under Physically handicapped quota and will be treated as normal candidate for selection subject to fulfillment of other eligibility criteria. Further if the Medical board certified that the percentage of disability exceeds seventy five per cent such a candidate shall not eligible for admission to courses under these rules.

Provided also that the candidates with hearing defect have to undergo Audiogram Test at the NATIONAL INSTITUTE OF MENTAL HEALTH AND NEUROLOGICAL SCIENCE OR SANJAYA GANDHI ACCIDENT AND RESERCH INSTITUTE HOSPITAL, Bangalore and produce Audiogram Report to the Medical Board for further examination.

Explanation:- person with disability shall have the same meaning assigned to it, in the person with Disabilities (Equal opportunities, Protection of Rights and full participation) Act, 1995.

In case of physically handicapped candidates the Special Officer C.A.C. will publish a list of eligible candidates in the ratio of 1:2 or 1:2:5 at nodal centre on the date specified in the brochure to appear before Medical Board for Medical examination. Candidates who are certified by the Board will be considered for seats under P.H. Category.

- (7) (a) Out of total number of seats, the following number of seats shall be reserved for various special groups specified below and they shall be filled in accordance with these rules.

<i>Special Group Candidates</i>	<i>D.Ed</i>
1.Son/daughter or spouse of Defense personnel / Defense personnel themselves	10
2.Son/daughter or spouse of Ex-Serviceman/ Ex-Serviceman themselves	10
3. Gadinadu Kannadiga	05
4. Horanadu Kannadiga	05
5. N.C.C. Cadets	10
6. N.S.S	05
7. Sports person	17
8. Scouts and Guides	10
09 Candidates sponsored by Women and Child Development Department from out of Correctional Institutions	03
TOTAL	75

(b) Out of the total number of seats available for Special Group, reservation shall be made proportionally from each category and allotted to institutions as decided by the committee. Allotment of seats under these rules will be along with other candidates as detailed in sub-rule (3) to (7) of rule 6.

(a) If no eligible candidates are available among Defence Personnel, such seats shall be filled up by the eligible candidates of Ex-military persons an vice-versa. provided that if eligible candidates in the above categories are not available for allotment, the reservation to that extent shall stand reduced and transferred to General Merit Category.

(7) For the purpose of allotment of seats in the special categories, there shall be a committee which shall consist of (1);

1. The Commissioner for Public Instruction (C.P.I)	Chairman
2. The Director, Directorate of State Educational Research And Training (D.S.E.R.T)	Member
3. The Director of Primary Education	Member
4. The Director of Secondary Education	Member
5. The Director of National Counsel for Teachers Education(N.C.T.E)	Member
6. The Director of National Informatics centre (N.I.C)	Member
7. The Chief Accounts Officer, Office of the Commissioner For Public Instruction.(C.P.I)	Member
8. The Dean of Education of any one University	Member
9. The Principal of College of Teacher Education (C.T.E) As designated by Director, D.S.E.R.T	Member
1. The Principal of District Institute of Education and Training (D.I.E.T)	Member
11. The Special Officer, Centralized Admission Cell (C.A.C.)	Member <i>Secretary</i>

(2) Of the above the following members, namely;-

1. The Dean of Education from of any one University
2. The Principal of College of Teacher Education (C.T.E)
3. The Principal of District Institute of Education and Training (D.I.E.T) shall be nominated to the Committee by the Chairman.

The term of the nominated members shall be two years on a rotation basis.

8. Selection for other Seats:- (1) The respective institutions shall call for application from the eligible candidates following all the procedure and rules in force and fill up the seats in accordance with the eligibility criteria including reservations as specified by the Government from time to time. The list of selected candidates shall be got approved by the principal of D.I.E.T of the concerned District.

(2) Institutions administered by the Religious Minority Communities as recognized/ declared by the Government may fill up the entire management quota seats by candidates belonging to their own community from anywhere in the country.

(3) The linguistic Minority Institutions shall select only such candidates of the respective linguistic minority who have studied for a period of not less than seven years between the first standard and qualifying examination in a recognized educational institution within the State of Karnataka and who have passed S.S.L.C/10th standard or II PU/12th standard examination from Karnataka state.

Provided that tulu linguistic Minority Institutions may select candidates belonging to the said Minority group from anywhere in the country without insisting on the conditions specified in sub-rule (3).

(4) If any seats remain unfilled under this rule, shall be surrendered to Government under intimation to the special officer before closure of admissions. The special officer shall take steps to fill up the said seats under Government seats.

9. Penalties:- If it is found that a candidate, his/her parents or guardian furnished false or incorrect information regarding marks card or statement of marks or a certificate or an affidavit along with the application, such application shall be liable to be rejected and the seat, if any, given to such candidate shall be liable to be forfeited. Such candidate, his /her parents or guardian as the case may be, shall also render themselves liable for both civil and criminal action. where the special officer considers that action should be taken under these rules for rejection of an application and forfeiting a seat, he shall pass appropriate orders after holding such enquiry as he deems necessary and after giving reasonable opportunity to the candidate or his/her parents or guardian concerned to make his/her representation .

10. Non-Compliance of these rules:- Such of the institutions who refuse to admit the candidates selected by the centralized admission cell or select candidates in violation of any of the provision in these rules shall liable for proceedings which may lead to withdrawal of the recognition already granted to them.

11. Fees:-The fee for admission to D.Ed Course shall be such as may be determined by the Government from time to time:

Provided that candidates belonging to the Scheduled Castes or the Scheduled Tribes shall not be required to pay any fee.

“Provided further that the Scheduled Castes or the Scheduled Tribes candidates selected under General-Merit, category shall either have to produce caste cum Income/Caste certificate or pay the prescribed fees at the time of admission and the candidates who have paid the prescribed fees may claim refund of the same from the Special Officer, Centralized Admission Cell on production of a Caste cum Income/Caste certificate .

12. Forfeiture of fees:- (1) If a candidate fails to report at the allotted college or desires to cancel his/her seat within the period of seven days, from the date of admission ten percent of fees paid will be forfeited towards administrative expenses. If a candidate desires to cancel his/her seat within the period of fifteen days from the date of admission , fifty percent of the fees will be forfeited .If a candidate desires to cancel his/her seat after fifteen days from the date of admission , no refund of fees shall be made and the entire amount shall be forfeited.

(2) If a candidate is absent for fifteen days from the date of re-opening of the college , his/her admission will be canceled without any notice and the entire fees paid by him/ her shall be forfeited.

(3) The Candidates who are exempted from payment Office shall be liable to pay penalty for cancellation of seats to the extent specified in sub-rule (1)

13. Repeal and Savings:- (1) The provisions of the Karnataka Selection of candidates for admission to Teachers Certificate Higher Course (TCH) and Bachelor of Education Course (B.Ed) Rules, 1999 in so far as they relate to the selection of candidates to T.C.H. /D.Ed course are hereby repealed.

(2) not with Standing such repeal anything done or any action taken or any notification, orders made or issued shall in so far as it not inconsistent with the provision of these rules, continue in force and shall be deemed have been made or issued under the provisions of these rules, unless and until it is superseded by any Notification or order/ orders issued under the provision of these rules.

By order and the name of the Governor of Karnataka

M.N. Somashekhar,

Under Secretary to Government,

Educational Department.

GOVERNMENT OF KARNATAKA

No. ED80 PTI 2003

**Karnataka Government Secretariat,
Multistoried Bulidings,
Bangalore, Dated: 20-12-2004.**

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby makes the following rules to amend the Karnataka Selection of Candidates for admission to Diploma in Education Course (D.Ed) Rules, 2002, namely:-

1. Title and Commencement :- (1) These rules may be called the Karnataka Selection of Candidates for admission to Diploma in Education Course (D.Ed) (Amendment) Rules, 2004,
(2) These rules shall come into force from the date of their publication in the Official Gazette.
2. Amendment of Rule 3:- In the Karnataka Selection of Candidates for admission to Diploma in Education Course (D.Ed) Rules, 2002 (herein after referred to as said rules) in rule 3 in the fourth proviso, after the words "first language the words "or second language" shall and shall be deemed always to have inserted,
3. Amendment of Rule 4:- In rule 4, the second proviso shall be substituted by the following proviso, namely:-

" Provided further that if sufficient number of candidates in any one discipline namely Arts or Science are not available for a category of seats, such seats can be filled by the candidates of any other discipline".
4. Amendment of Rule 7:- In rule 7 of the said rules for sub-rule (4) the following shall substituted, namely:-

(4) Five percent of the seats shall reserved for the candidates who have studied from standard 1 to 10 with Kannada as the medium of Instruction".

By order and in the name of the Governor of Karnataka

(M.N.SOMASHEKAR)
Under Secretary to Government
Education Department

GOVERNMENT OF KARNATAKA

No. SWL 247 SAD 90

Karnataka Government Secretariat,
M.S, Building, Bangalore-1,
Dated: 22nd Feb. 1993

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 13 of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.) Act, 1990 (Karnataka Act 7 of 1991) Government of Karnataka hereby makes the following rules, namely :-

1. Title and Commencement :- (1) These rules may be called the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.) Rules, 1992.

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

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

(1) 'Act' means the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.) Act, 1990 (Karnataka Act 7 of 1991);

(2) 'an educational institution' means an educational institution established or maintained or aided by the State Government;

(3) 'Public Sector Undertakings' means the institutions defined in the Act.

(4) 'Caste Verification Committee' means a Committee constituted under Rule-4.

(5) 'Caste and Income Verification Committee' means a Committee constituted under Rule-5.

(6) 'Form' means form appended to these rules.

(7) 'Inspecting Officer' means an Officer authorised by the State Government under Sub-Section 7 of the Act.

(8) 'Validity Certificate' means the certificate issued by the Caste Verification Committee or Caste and Income Verification Committee.

(2) All other words and expressions not defined here but defined in the Karnataka Civil Services (General Recruitment) Rules, 1977 shall have the meaning assigned to it in the said Rules.

(3) Reservation : All executive orders in relation to reservation made by the State Government and which are in force on the date of commencement of these rules shall be deemed to be part of these rules and shall continue to be in force until they are modified or replaced by the State Government, for the purpose of Section 4 of the Act.

4. Caste Verification Committee : The State Government shall by notification constitute a Committee called Caste Verification Committee in the Directorate of Social Welfare headed by an Officer not below the rank of a Joint Director with two other members not below the rank of Assistant Directors for the purpose of verification of caste certificate of Scheduled Castes and Scheduled Tribes.

5. Caste and Income Verification Committee : The State Government shall by notification constitute a Committee called 'Caste' and Income Verification Committee' in the Directorate of

Backward Classes and Minorities headed by an Officer not below the rank of a Joint Director and two other members not below the rank of Assistant Directors for the purpose of verification of Caste and Income claims of Backward Tribes and Other Backward Castes.

6. Application for Validity Certificate : Every person claiming reservation either for appointment or for admission, shall submit an application in Form No. 1 for verification of Caste and Income claims:

(i) to the Caste Verification Committee in case he claims to belong to Scheduled Caste or Scheduled Tribes

(ii) to the Caste and Income Verification Committee in case he claiming belong to Backward Tribes or Other Backward Classes.

7. Validity Certificate : (1) Caste Verification Committee or the Caste and Income Verification Committee shall issue a Validity Certificate in Form No. 1A to the applicant after verifying the Caste and Income of the applicant in such manner as it deem fir within three months from the date of application.

(2) An appeal shall lie against the orders of the Caste Verification Committee to the Caste and Income Verification Committee to the Secretary to Government, Social Welfare and Labour Department, whose order shall be final.

8. Admission to Educational Institutions : No candidate who claims the benefit of reservation shall be admitted to a technical or professional course of study in an Educational Institution without production of the Validity Certificate.

9. Recruitments :- No person who claims the benefit of reservation shall be appointed to a service or a post under Government or to an establishment in public sector without production of the Validity Certificate.

10. Authority to take Cognizance of Contravention of Provisions of the Act Etc.

If the Director of Social Welfare in case of admissions/appointments made against seats/posts reserved for SCs/STs and the Director of Backward Classes and Minorities in case of admissions/appointments made against seats/posts reserved for Backward Classes candidates have reason to believe that any admissions and appointments made are in contravention of the provisions of the Act or the rules made thereunder shall refer such cases to the appointing authorities and authorities making admissions and those appointing Authorities and Authorities making admissions shall, on such a report declare appointments and admissions made in contravention of the provisions of the Act and Rules made thereunder as void.

Provided that before such a declaration, an opportunity is given to the concerned as to why such a declarations shall not be made.

11. Vacancy/Admission Register: (1) Subject to rule – 3 and such other executive orders made by the State Government from time to time in relation to reservation-

(i) all appointing authorities to a service or post in the State Civil Services or in establishments in public sector under takings shall maintain a vacancy register in Form No.2

(ii) all educational institutions shall maintain admission register in form No. 3

12. Inspection :- (1) The Inspection Officer may inspect any of the registers or records which are required to be maintained by the appointing authority to a service or post or an establishment in public sector or an authority making admission to a course of study in an

Education Institution or University under rule -10.

13. Annual Reports : (1) All Appointing Authorities and all establishments in public sector shall furnish an annual report in Form No. 4 to the State Government in the Department of Personnel and Administrative Reforms and Department of Social Welfare in respect of recruitment of Scheduled Castes/ Scheduled Tribes and in Form No. 5, to the Directorate of Backward Classes and Minorities and Government in the Department of social Welfare in respect of Backward Tribe and Other Backward Classes before the first day of May every year.

(2) All educational institutions shall send annual report to the Director of Social Welfare in respect of Students belonging to Scheduled Castes and Scheduled Tribes and to the Director of Backward Classes and Minorities in respect of students belonging to Other Backward Classes in Form No. 6 and 7 respectively before the first day of September every year.

By order and In the Name of the
Governor of Karnataka

(GONAL BHIMAPPA)
Deputy Secretary to Government
Social Welfare and Labour Department

FORM-1
APPLICATION FOR SEEKING VALIDITY CERTIFICATE

1. Name and Address
Candidate
a) Present Address :
b) Permanent address :
2. Father/Mother/Parent/Husband's Name :
3. Date of Birth :
4. Annual Income of the family : Total Rs.
Sources of income :
 - a) Agriculture ..
 - b) Business ..
 - c) Service ..
 - i) Govt. ..
 - ii) Semi Govt. ..
 - iii) Private ..
 - d) Other Sources ..
5. Details of property held :
6. Caste as mentioned in the school records
 - a) Primary School
 - b) Middle School
 - c) High School
 - d) College/University
7. Qualification :
 - a) General
 - b) Technical

8. Details of Study in School/Colleges :

Name of the Institution	Year of study
-------------------------	---------------

- a) Primary
- b) Middle
- c) High School
- d) College

9. Whether the candidate has already obtained verification certificate?

10. (If Yes, the No. and date of issue may be mentioned) (Enclosed a copy)

11. Any other information which the candidate wishes to furnish.

Station :

Date :

Signature of the

Candidate

CERTIFICATE

I declare that I am aware of the provisions in the Karnataka Scheduled Castes/Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.) Act 1990 and to the best of my knowledge the information furnished above is true and I am liable for criminal prosecution in case any information furnished above is proved false.

Station :

Date :

Signature of the
Parent / Guardian

Signature of the
Candidate

FORM - 1A

CERTIFICATE OF VALIDITY

**CASTE VERIFICATION COMMITTEE - DIRECTORATE OF SOCIAL WELFARE
/ BACKWARD CLASSES AND MINORITIES**

Committee Decision No.

Date:

WHEREAS, an application of Sri. / Smt. Kumari
..... dt. the
..... along with documents was received by the
Verification Committee for verification of the claim for Reservation Benefit provided for
Scheduled Caste / Scheduled Tribe / Backward Classes and the facts therein have
been examined in detail.

AND WHEREAS, in accordance with the powers conferred on this committee as
per the provisions of Karnataka SCs/STs and other Backward Classes (Reservation of
appointment etc.) Act 1990 and the rules made thereunder, the Committee has, on the
basis of the documents produced before it, verified and scrutinised the said claim, and
is satisfied about the claim.

NOW, therefore, the Committee hereby certifies that the claim of Sri. / Smt. Kumari
.....as
belonging to is found to be Valid.

(Mention the name of the Caste here)

CHAIRMAN
CASTE AND INCOME VERIFICATION
COMMITTEE.

FORM -2

Name of the post and sanctioned strength	Scale of Pay	Name of the appointing authority	Posts already filled up category-wise	Vacancies to be filled up	Mode of Recruitment
1	2	3	4	5	6
					Director recruitment Promotion/Deputation

Sl No. of Vacancy	Date of occurrence of vacancy	Mode of recruitment	Vacancy in Direct Recruitment / Unreserved	Date of communication of vacancy to recruitment authority	Selection to the vacancy reserved unreserved	Date of recruitment	Order No. of & Dt. of appointment	Mode of recruitment	Name of the candidate and Sl. No. in the appointment order	Reasons for deviation in reservation if any	
1	2	3	4	5	6	7	8	9	10	11	12
			SC/ST/A/B/C/D/Eng unreserved								

FORM-3

**REGISTER SHOWING ADMISSIONS RESERVED TO SC/ST S AND
OTHER BACKWARD CLASSES IN RESPECT OF PROFESSIONAL/EDUCATIONAL COURSES**

Name & Address of the Educational Institution:				
Name of the Course and Year of commencement	Total no. of sanctioned seats (Course wise) SC/ST/A,B,C,D,E	Total No. of seats to be reserved for SC/ST/A,B,C,D,E (Course wise) (As per the existing G.O)	Admissions made in each course category-wise SC/ST/A,B,C,D,E	Deviations if any with reasons
SIGNATURE				

FORM - 4

(a) Details of vacant posts in each cadre.

Sl. No.	Name of the Post	Sanctioned Strength	No. of SC/STs recruited	No. of posts vacant	Mode of recruitment	Year/Date	Remarks
1	2	3	4	5	6	7	

(b) Details of Recruitment mode from _____ to _____ :

Sl. No. of the Post	Name of Agency sponsoring to Recruitment Authority	Classification of Vacancies	Date of selections	Classification of candidates selected	Recruitment to be made as per existing G.O.	Short fall in reservation	Reasons for deviation
	EE/KPEC/OTHERS	Total SC/ST posts	Total SC/ST no. of posts	S.C.S.T	S.C.S.T	S.C.S.T	

Signature

FORM - 5
ANNUAL REPORT

(a) Details of vacant posts in each cadre:

Sl. No.	Name of the Post	Sanctioned Strength	No. of SC/STs recruited	No. of posts vacant	Mode of recruitment	Remarks
					Year/Date	
1	2	3	4	5	6	7

(b) Details of Recruitment mode from _____ to _____ :

Sl. No.	Name of the authority	Agency sponsoring to recruitment	Total posts	Classification of vacancies	Total of B.Cs	Date of selections	Total of candidates selected	Classification of candidates selected	Recruitment to be made as per existing G.O.	Short fall in reservation	Reasons for deviation											
		EE/ KPSC / Others	4	----- A B C D E	10	11	----- A B C D E	----- A B C D E	A B C D E	A B C D E	A B C D E											
1	2	3	5	6	7	8	9	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

FORM - 6						
ANNUAL REPORT						
(a) Reservation of Seats for SCs & STs in Admissions :						
Name & Address of Educational institution	Name of the course	Total No. of seats admissible	No. of seats admissible for (as per G.O.) ----- SCs STs	No. of seats filled by ----- SCs STs	Short-fall if any in respect of ----- SCs STs	Remarks
						Signature

FORM - 7

a) Reservation of seats for Backward Classes in admissions :

Name & Address of Educational institution	Name of the course	Total No. of seats admissible	No. of seats admissible for (as per G.O.) Group	No. of seats filled by Group	Short-fall in Admission if any Group	Reasons
			----- A B C D E	----- A B C D E	----- A B C D E	
1	2	3	4 5 6 7 8	9 10 11 12 13	14 15 16 17 18	19

Signature

¹[KARNATAKA]¹ ACT No. 16 OF 1966

(First published in the ¹[Karnataka]¹ Gazette dated the Fifth day of May, 1966)

**THE ¹[KARNATAKA]¹ SECONDARY EDUCATION
EXAMINATION BOARD ACT, 1966**

(Received the assent of the Governor on the Twenty-seventh day of April, 1966)
(As Amended by 9 of 1976, 19 of 1977, 1 of 1995, 18 of 1995 and 14 of 2003)

An Act to provide for the establishment of a Secondary Education Examination Board for the ¹[State of Karnataka]¹.

WHEREAS it is expedient to establish a Board for the purpose of holding and conducting certain public examinations;

BE it enacted by the ¹[Karnataka]¹ State Legislature in the Seventeenth Year of the Republic of India as follows :-

1. Short title, extent and commencement - (1) This Act may be called the ¹[Karnataka]¹ Secondary Education Examination Board Act, 1966.

¹ Adopted by the karnataka adoption of laws order 1973 w.e.f 01.11.1973

(2) It extends to the whole of the ¹[State of Karnataka]¹

¹ Adopted by the karnataka adoption of laws order 1973 w.e.f 01.11.1973

(3) It shall come into force on such ¹[date] as the State Government may, by notification, appoint.

1 Act came into force on 05.10.86 by Notification No ED 177 SMX 66 dated 1.10.96

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

(a) "Board" means the ¹[Karnataka Secondary Education Examination Board]¹ constituted under this Act.

¹ Adopted by the karnataka adoption of laws order 1973 w.e.f 01.11.1973

(b) "bye-laws" means by-laws made by the Board under this Act.

(c) "Chairman" means the Chairman of the Board;

(d) "Committee" means a Committee appointed under this Act;

¹[da] "Director" means the Director of the Board;¹

¹ Inserted to Act 1 of 1995 w.e.f 1.6.96 by Notification No ED 2 MES 95 Dated 30.05.95

(e) "examination" means an examination conducted by the Board;

(f) "Examiner" includes the Chief Examiner, the Joint Chief Examiner, the Deputy Chief Examiner and a Paper-setter;

(g) "Head Master" or "Head Mistress" means the head of the teaching staff of a recognised High School, by whatever name designated;

(h) "notification" means a notification published in the official Gazette;

(i) "prescribed" means prescribed by rules made by the State Government under this Act;

(j) "recognised High School" means a High School, a Higher Secondary School, ¹[a Composite Junior College]¹ a Multi-purpose High School or a Junior Technical School recognised by the ²[Director of Public Instruction in Karnataka]² or an officer authorised by him in this behalf.

¹ Inserted by Act 14 of 2003 w.e.f 3.4.73

¹ Adopted by the karnataka adoption of laws order 1973 w.e.f 01.11.1973

(k) "regulations" means regulations made by the Board under this Act;

(l) "rules" means rules made by the State Government under this Act;

- (m) "Secretary" means the Secretary of the Board;
- (n) "Supervisor" includes Chief Superintendent, Block Superintendent, Assistant Superintendent, Room Superintendent and Custodian;
- (o) "Vice-Chairman" means the Vice-Chairman of the Board.

3. Incorporation of the Board :- (1) The State Government shall, as soon as may be, establish by notification a Board of Secondary Education Examination with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate by the name of the ¹[Karnataka Secondary Education Examination Board]¹ and shall have perpetual succession and a common seal and may sue and be sued by the corporate name and shall be competent to acquire and hold property, both moveable and immovable, and subject to such restrictions and conditions as may be prescribed, to lease, sell or otherwise transfer moveable or immovable property which may have been vested in or acquired by it and to contract and do all things necessary for the purposes of this Act.

¹ Adopted by the karnataka adoption of laws order 1973 w.e.f 01.11.1973

4. Constitution of the Board : (1) The Board shall consist of Chairman, a Vice-Chairman and members as specified in this section. ¹[The Commissioner for Public Instruction shall ex-officio be the Chairman of the Board:]¹

¹.Inserted by act 1 of 1995 w.e.f 1.6.96

(2) The ¹[Director]¹ shall be an officer of the Department of Public Instruction, not below the rank of a ¹[Additional Director]¹, appointed by notification by the State Government. He shall be a whole time officer of the Board and shall hold office during the pleasure of the State Government.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

(3) The ¹[Director]¹ shall, ex-officio, be the Vice-Chairman.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

(4) The Board shall also consist of the following members -

(A) Ex-officio members:

¹[(a) the Divisional Secretaries and Ex-Officio Joint Directors of Public Instruction]¹ designated by the State Government.

¹.Substituted by act 14 of 2003 w.e.f 03.04.2003

(b) one ¹[Deputy Director of Public Instruction]¹ designated by the State Government.

(c) an officer of the Department of Technical Education, designated by the State Government.

(d) an officer of the Department of Agriculture designated by the State Government;

¹[da] The Director of Text Books or his nominee;¹

¹.Substituted by act 19 of 1977 w.e.f 28.07.1977

¹[db] Director, Pre-University Education or his nominee

(dc) Director Directorate of State Educational Research and Training;

(dd) Director, Secondary Education;

(de) Director of the Board in charge of other Examinations]¹

¹.Inserted by act 1 of 1995 w.e.f 1.6.96

(e) ¹[eight]¹ Officers of the Department of Public Instruction, who are in charge of Commercial Education, Home Science Education, Arts and Crafts, Music, Drama and Dance, Hindi Education, Sanskrit Education ²[State Education Unit]² and Physical Education, designated by the State Government.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

¹.Inserted by act 1 of 1995 w.e.f 1.6.96

(B) Elected Members:

Two members elected in the manner prescribed from amongst themselves by the members of the Academic Councils of each of the Universities established by law in the State.

(C) Nominated Members :

(a) five members nominated by the State Government from amongst Head Masters and Head Mistresses of recognised High Schools;

(b) five members nominated by the State Government from amongst teachers in recognised High Schools who have put in not less than ten years service as teachers;

(c) one of the Principals of the Secondary Teachers' Training Colleges in the State nominated by the State Government.

(d) two of the heads of the Primary Teachers' Training Colleges in the State, nominated by the State Government.

(e) six persons (not being Head Masters, Head Mistresses or teachers in recognised High Schools) who have had experience in matters connected with Secondary Education, nominated by the State Government.

Provided that a member shall cease to hold office as such member, -

(i) if he is elected under paragraph (B) and ceases to be the member of the Academic Council concerned;

(ii) if he is nominated under clause (a) or clause (b) of paragraph (C) and ceases to be either a Head Master, or a Head Mistress, or a teacher of a recognised High School, as the case may be; and

(iii) if he is nominated under clause (c) or clause (d) of paragraph (C) and ceases to be a Principal of a Secondary Teacher's Training College or the head of a Primary Teacher's Training College.

(5) The names of persons who have been nominated or elected to be members of the Board in accordance with sub-section (4) shall be published by the State Government by notification in the official Gazette.

5. Term of office of members :- The members of the Board other than ex-officio members shall hold office for a term of three years from the date of publication of their names under sub-section (5) of section 4, and on the expiration of such term shall be eligible for being re-elected or re-nominated :

Provided that the term of office of outgoing members shall be deemed to extend to and expire with the date on which the names of their successors elected or nominated, as the case may be, are published under sub-section (5) of section 4.

6. Disqualifications of members :- A person shall be disqualified for being appointed, or for being elected, or nominated as, and for being, a member of the Board or for being a member of any Committee under this Act, -

(i) if he directly or indirectly by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of the Board;

(ii) if he is a person against whom an order has been made under subsection (1) of section 23:

Provided that where the order has been made on the ground that such person has been guilty of negligence, the disqualification shall cease to have effect after the expiry of the period specified in the order.

7. Disqualifications of co-opted persons : A person shall be disqualified for being co-opted to the Examiner's Committee or any other committee appointed under section 21 or section 22 or for continuing to act after co-option, if he is or becomes subject to any disqualification specified in section 6.

8. Vacancy owing to disqualifications :- If any member of the Board or a Committee during the term for which he has been appointed, elected or nominated, as the case may be, becomes subject to any disqualification under section 6 or section 7, his office shall there upon become vacant.

9. Vacancy owing to absence :- If any member of the Board during the term for which he has been elected or nominated absents himself from three consecutive meetings of the Board, without the permission of the Board, his office shall thereupon become vacant.

10. Vacancy to be published :- Any vacancy occurring under section 8 or section 9 shall be published by the Board in the official Gazette.

11. Removal from membership :- (1) The State Government may, on the recommendation of the Board, remove any member of the Board or a Committee, if he has been convicted by a court of law of any offence involving moral turpitude, or is he has been guilty of scandalous conduct.

(2) No recommendation for the removal of any member shall be made by the Board, unless the person concerned has been given a reasonable opportunity of being heard.

(3) The name of any member who has been removed from the Board or a Committee under sub-section (1) shall be published in the official Gazette.

12. Resignation of the members of the Board :- A member of the Board, other than an ex-officio member, may resign his seat at any time by giving notice thereof in writing to the Chairman and such member shall be deemed to have vacated his seat as soon as the Chairman has received his resignation.

13. Casual vacancies :- All causal vacancies among the members (other than ex-officio members) of the Board or any Committee constituted under this Act shall be filled up, as soon as may be, by election, nomination or appointment, as the case may be, and the person elected, nominated or appointed to a causal vacancy shall hold office so long only as the member in whose place he is elected, nominated or appointed would have held it, if the vacancy had not occurred.

14. Temporary association of persons with the Board, etc: - (1) The Board may associate with itself persons not exceeding three, whose assistance or advice it may desire in performing any of its functions under this Act.

(2) The Board may co-opt persons, not exceeding three in each case, to the Examiners' Committee or other committees for special purposes.

(3) A person associated under sub-section (1) or co-opted under sub-section (2) shall not be deemed to be a member of the Board or the committee, as the case may be, and shall have no right to vote at any meeting thereof, but he may be, and shall have to vote at any meeting thereof, but he may take part in the discussions of the Board or the committee relevant to the purpose for which he was associated or co-opted.

15. Powers and duties of the Board :- Subject to the provisions of this Act, the powers and duties of the Board shall be as follows, namely :-

(a) to hold, -

(i) the 1[Karnataka Secondary School Leaving Certificate Examination]1;

(ii) the Teachers Certificate Examination (Higher);

(iii) the Teachers Certificate Examination (Lower);

(iv) any other examination which the State Government may from time to time by notification specify;

(b) to make regulations for all or any of the matters specified in section 26;

(c) to make regulations for imposing penalties for acts of misconduct committed by students seeking admission to and appearing for examinations;

(d) to appoint Examiners and Supervisors and to fix their remuneration and to arrange for the conduct of, and for publishing the results of, examinations;

(e) to fix, demand and receive such fees and other charges as may be prescribed by regulations;

(f) to award certificates to students passing examinations;

(g) to receive bequests, donations, endowments, trusts and transfers of any property or interest therein or right thereto;

(h) to hold any property, interest or right referred to in clause (g) and to manage or deal with the same;

(i) to borrow moneys with or without security for such purposes as may be approved by the State Government from the Central Government, the State Government or incorporated bodies approved by the State Government, subject to the provisions of this Act;

(j) to award stipends, scholarships, medals, prizes or other rewards;

(k) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act or as may be prescribed;

(l) to do all such acts and things as may be necessary to carry out the purposes of this Act.

16. Meetings of the Board : - The Board shall ordinarily meet at least once in every three months. The Chairman may, at any time, and shall, upon the written request of not less than one-third of the members of the Board, and on a date not more than ten days after the receipt of such request, call a special meeting of the Board.

17. Powers and duties of the Chairman :- (1) The chairman shall preside over the meetings of the Board and of all the Committees of the Board. He shall have power to convene meetings of the Board and of all its Committees.

(2) The ¹[Director]¹ shall be the principal executive officer of the Board and shall exercise general control, supervision and inspection over its affairs. It shall be his duty to ensure that the provisions of this Act, the rules, regulations and bye-laws are duly observed and he shall have and exercise all powers necessary for the purpose.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

(3) The ¹[Director]¹ may take action in any emergency which in his opinion calls for immediate action. He shall in such a case, and as soon as may be thereafter report his action to the Board or the Committee which would ordinarily have dealt with the matter.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

(4) Where a difference of opinion arises between the ¹[Director]¹ and the Board or a Committee in respect of any action taken under sub-section (3), the ¹[Director]¹ shall submit the matter to the State Government through ¹[the Chairman]¹ and the decision of the State Government thereon shall be final.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

(5) Notwithstanding anything contained in the provisions of this Act, the rules and regulations, it shall be within the competence of the Chairman in any emergency to dispense with strict compliance of the said provisions, in the matter of date, time, place and order of examinations and generally of all matters dealing with any procedure connected with or incidental to the conduct of the examinations by the Board.

(6) During the absence of the Chairman on leave, by reason of illness or deputation on other duty connected with the Board or any other cause or pending filling up of the vacancy caused in any manner, his duties shall be performed by the Vice-Chairman and in the absence of the Vice-Chairman by such member as the State Government may direct.

18. Appointment, powers and duties of Secretary : - (1) The Board shall have a Secretary

who shall be an officer of the Department of Public Instruction not below the rank of a Deputy Director of Public Instruction appointed by the State Government.

(2) The Secretary shall, subject to the control of the ¹[Director]¹ exercise such powers and perform such duties as may be prescribed.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

(3) He shall be entitled to be present at the meetings of the Board but shall not be entitled to vote thereat.

19. Appointment of other officers and servants, etc. - (1) Subject to the general or special orders of the State Government, the Board may appoint officers and servants (other than the ¹[Director]¹ and the Secretary) from among Government servants of the Department of Public Instruction as may be required to enable the Board to discharge its functions under this Act.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

(2) Every appointment under sub-section (1) shall be made from the list of persons prepared from time to time by a committee of the Board, to be called the Appointment Committee, consisting of the ¹[Director]¹, the Vice-Chairman and two members who are not ex-officio members.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

(3) When the list referred to in sub-section (2) has not been prepared or when prepared is exhausted and a fresh list has not been prepared, the ¹[Director]¹ may make temporary appointments from among Government servants in the Department of Public Instruction for a period not exceeding six months. The ¹[Director]¹ shall make a report of such appointments to the Board at its next meeting.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

(4) The ¹[Director]¹, the Secretary and the other officers and servants of the Board shall be Government servants. The Board may recommend to the State Government the taking of such disciplinary action against any of them in respect of any misconduct by him.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

20. Salary and Allowances of the staff :- (1) The salary and allowances of the ¹[Director]¹, the Secretary and the other officers and servants of the Board shall be met from the Consolidated Fund of the State.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

¹(2)xxx¹

1.Omitted by act 18 of 1995 w.e.f 3.6.96

21. Examiners' Committee :- (1) There shall be a Committee called the Examiners' Committee for the purpose of drawing up the panel of names of Examiners.

(2) The Examiners' Committee shall consist of, -

(i) the ¹[Director]¹;

(ii) ten Members appointed by the Board in the manner specified below :-

(a) there from amongst the ex-officio members of the Board;

(b) four from amongst the elected members of the Board;

(c) three from amongst the nominated members of the Board.

(3) The Examiners' Committee shall draw up panels of the names of the Examiners. Such panels shall consist of such number as may be prescribed by the regulations.

(4) The ¹[Director]¹ shall make appointments of Examiners out of the panel drawn up by the Examiners' Committee.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

(5) The ¹[Director]¹ may in an emergency appoint any Examiner outside the panels

drawn up by the Examiners' Committee and when any such appointment is made, he shall report such appointment to the Board.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

(6) The members of the Examiners' Committee other than the ¹[Director]¹, shall hold office for a term of one year from the date of their appointment.

1.Substituted by act 1 of 1995 w.e.f 1.6.96

22. Other Committees :- (1) The Board may in the manner prescribed by bye-laws, appoint such other Committees consisting of the members of the Board as it may think necessary for the efficient discharge of its functions under this Act or the rules or regulations.

(2) The number of members and the duties and functions of such Committees shall be such as may be determined by the Board.

23. Termination of Examiners' appointment for misconduct or negligence :- (1) If at any time it appears to the Board that a person appointed as an Examiner under this Act, has been guilty of misconduct or negligence, which renders his appointment as an Examiner inexpedient, the Board may make an order terminating his appointment and directing that such person shall not be eligible for appointment as an Examiner at any time or for a specified period. Before making such order, the Board shall observe such procedure as may be prescribed by the regulations.

(2) The name of the person against whom an order has been made under sub-section (1) shall not be included in the panel of names submitted under section 21 for such period as may be specified in such order.

(3) Any person aggrieved by an order made under sub-section (1) may appeal to the State Government within sixty days from the date of the order. On such appeal being filed, the State Government may, after making such enquiry as it thinks fit, confirm, modify or reverse the order. The order of the State Government on such appeal shall be final.

24. Board Fund :- (1) The Board shall have its own fund and the following moneys shall be placed to the credit thereof;-

- (a) fees and charges levied by the Board;
- (b) contribution, if any, paid by the State Government; and
- (c) any money received by or on behalf of the Board.

(2) The Board Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or invested in securities authorised by the Indian Trusts Act, 1882 at the discretion of the Board.

25. Annual accounts and financial estimates :- (1) The Board shall prepare the annual accounts and submit them to the State Government for audit. The State Government shall cause the accounts to be audited and the Board shall pay such charges for the audit as the State Government may, from time to time, determine.

(2) The Board shall prepare, before such date as may be prescribed, the financial estimates for the ensuing year and forward them to the State Government for its sanction. The State Government may pass such orders with reference thereto as it thinks fit and communicate the same to the Board and the Board shall give effect to such orders.

(3) The Board shall prepare and forward to the State Government in the prescribed manner within three months from the end of the year an annual report giving a complete account of its activities during the previous year. Every such report shall be laid before each House of the State Legislature, as soon as may be, after it is received by the State Government.

¹[Explanation :- In this section 'year' means the official year :

Provided that for the purpose of the year 1975 - 76 the 'year' shall mean the period of eight months commencing on the first day of August 1975 and ending with the Thirty-first day

of March, 1976]¹.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

26. Power of Board to make regulations :- (1) The board may, from time to time, by notification, make regulations not inconsistent with this Act and the rules for the purpose of carrying into effect the provisions of this Act.

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

- (a) appointment of Examiners and their remuneration;
- (b) qualifications and disqualifications of Examiners;
- (c) arrangements for the conduct of and for publishing the results of examinations;
- (d) the admission of candidates to the examinations and the conditions governing such admissions;
- (e) the marks required for passing in any subject or the examination as a whole, and for exemption, credit or distinction in any subject;
- (f) fixing of fees and charges in respect of examinations;
- (g) awarding of certificates to the successful students;
- (h) the procedure to be followed at the meetings of the Examiners' Committee, the number of members required to form a quorum at such meetings; and the travelling and other allowances to be drawn by the members of the Examiners' Committee and persons co-opted to that committee;
- (i) the procedure to be observed before making an order under section 23;
- (j) providing for all matters which by this Act are to be or may be provided for by regulations.

27. Approval of regulations by State Government :- No regulation made under section 26 shall have effect until it is approved by the State Government.

28. Making of first regulations and bye-laws :- Notwithstanding anything contained in section 26 or section 31, the first regulations and the first bye-laws shall be made by the State Government and they shall continue in force till new regulations or bye-laws are made by the Board under the said sections and approved by the State Government.

29. First appointment of University representatives :- Notwithstanding anything contained in section 4, the members under paragraph (B) of sub-section (4) of section 4 may, on the first constitution of the Board, be nominated by the State Government, but the members so nominated shall hold office only until they can be replaced by members elected as provided in that paragraph and the members so elected shall hold office so long only as the members replaced would have held office had they not been replaced.

30. Proceedings not invalidated by reason of vacancies, etc :- No act or proceeding of the Board or of the Examiner's Committee or any other committee constituted by the Board shall be invalidated merely by reason of any vacancy in, or any defect in the constitution of, the Board or a committee or any other defect or informality not affecting the merits of the case.

31. Power of the Board to make bye-laws :- (1) The Board may, by notification, make bye-laws not inconsistent with this Act, the rules and the regulations to provide for all or any of the following matters, namely:-

- (a) the procedure to be followed at the meetings of the Board and a Committee and the number of members required to form a quorum at such meetings;
- (b) the travelling and other allowances which may be drawn by members of the Board and a Committee and of persons temporarily associated with the Board or co-opted to a Committee;
- (c) any other matters solely concerning the Board and such committees not provide for

by this Act, the rules, or the regulations.

(2) No bye-law made under sub-section (1) shall have effect unless approved by the State Government.

32. Information, returns etc., to be furnished by Board : - (1) The Board shall furnish to the State Government or the Director of Public Instruction such reports, returns and statements as may be required by the State Government or the Director, and such further information relating to any matter connected with the work of the Board as the State Government or the Director may require.

(2) The State government may, after considering any such report, return or statement and any information furnished by the Board, give such directions consistent with this Act as may be necessary and the Board shall comply with such directions.

33. Powers of the State Government : The State Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication, and shall furnish an explanation if it fails to take action.

(3) If the Board does not within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Board issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.

(4) When any emergency in the opinion of the State Government requires that immediate action should be taken, the State Government may take such action consistent with this Act as it deems necessary without previous consultation with the Board, and shall forthwith inform the Board of the action taken.

(5) The State Government may, by order in writing, specifying the reasons therefor, suspend the execution of any resolution or order of the Board and prohibit the doing of any act ordered to be or purporting to be ordered to be done by the Board, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.

34. Power to make rules : - (1) The State Government may, by notification and subject to the condition of previous publication, make rules for carrying into effect the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made before each House of the State Legislature 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 in which it is so laid or the sessions immediately following, 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 annulment shall be without prejudice to the validity of anything previously done under that rule.

35. Responsibility of Chairman, Vice-Chairman and members : - The Chairman, the Vice-Chairman and every member of the Board or of any committee shall be personally responsible for the willful misapplication of any funds of the Board to which he has been a party or which has happened through, or has been facilitated by, gross neglect of his duty, and, without prejudice to any other action against him,, may be sued for the recovery of the moneys so misapplied as if such money had been the properties of the State Government.

Provided that no person shall be personally liable in respect of any contract or agreement

made, or for any expenses incurred by or on behalf of the Board, if the contract or agreement is made or the expenses are incurred in good faith and in the discharge of his duties; and the Board fund shall be liable for and be charged with, all costs in respect of any contract or agreement and all such expenses.

36. Chairman, Vice-Chairman, etc., to be public servants : - The Chairman, the ¹[Director or Vice-Chairman]¹, the members, the Secretary and other officers and servants of the Board, and every person entrusted with any duty connected with the conduct of any examination by the Board shall be deemed to be public servants within the meaning of the section 21 of the Indian Penal Code.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

37. Bar of suits, etc. for acts done in good faith : - No suit or other legal proceeding shall lie in respect of anything in good faith done or intended to be done under this Act against the Board or against any Committee constituted under this Act or against the Chairman, or ¹[Director or Vice-Chairman]¹, Secretary or any other officer or servant of the Board or against any person acting under and in accordance with the directions of the Board, a Committee, Chairman, ¹[Director or Vice-Chairman]¹, Secretary, Officer or Servant of the Board.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

38. Previous notice for suits, etc. - (1) No suit shall be instituted against the Board, a Committee, the ¹[Chairman]¹, the ¹[Director or Vice-Chairman]¹, Secretary or other officer or servant of the Board, or any person acting under the order or direction of the Board, a Committee, ¹[Chairman]¹, ¹[Director or Vice-Chairman]¹, Secretary, officer or servant in respect of any act done or purporting to have been done in pursuance of this Act or any rule, regulation, bye-law or order made thereunder until the expiration of sixty days next after notice in writing stating the cause of action, the nature of the relief sought, the amount of compensation claimed, the name and place of residence of the intending plaintiff and the relief which he claims has been, in the case of the Board delivered or left at its office, and in the case of the ¹[Chairman]¹, ¹[Director or Vice-Chairman]¹, Secretary or other officer, servant or person, delivered to him or left at his office or place of residence and unless the plaint contains a statement that such notice has been so delivered or left.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

(2) Nothing in this section shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

39. Removal of difficulties :- (1) If any difficulty arises in the giving effect to the provisions of this Act, the State Government may, as occasion requires, by order published in the official Gazette, do anything which appears to it to be necessary for the purpose of removing any difficulty, and any such order shall have effect as if enacted in this Act.

(2) Every order published under sub-section (1) shall as soon as may be after it is published be laid before both Houses of the State Legislature.

40. Repeal :- The Bombay Secondary School Certificate Examination Act, 1948 (Bombay Act 49 of 1948) as in force in the ¹[Belgaum]¹ Area is hereby repealed.

¹.Substituted by act 1 of 1995 w.e.f 1.6.96

41. Amendments of certain enactments : - The enactments specified in the Schedule are hereby amended to the extend and the manner mentioned in column (3) thereof.

SCHEDULE
(See section 41)

	Number (1)	Short Title (2)	Extent of Amendments (3)
1.	Bombay Act XX of 1949.	The Karnataka University Act, 1949.	In section 39, for clause (i), the following clause shall be substituted namely, - "(i) the Secondary School Leaving Certificate Examination conducted by the Mysore Secondary Education Board, or"
2.	Mysore Act No. 23 of 1956	The Mysore University Act, 1956	For section 50, the following section shall be substituted, namely:- "50. Eligibility for admission to students :- No student shall be eligible for admission to the University unless he has passed,- (i) the Secondary School Leaving Certificate Examination conducted by the Mysore Education Examination Board; or (ii) any other examination prescribed as equivalent to the examination referred to in clause (i), by the Ordinances or Regulations, and possesses such further qualification, if any, as may be prescribed by the Ordinances or Regulations.
3.	Mysore Act No. 26 of 1964	The Bangalore University Act, 1964	For section 53, the following section shall be substituted, namely:- "53. Eligibility for admission of students :- No student shall be eligible for admission to the University unless he has passed - (i) the Secondary School Leaving Certificate Examination conducted by the

Mysore Education Examination Board;
or
(ii) any other examination prescribed as
equivalent to the examination referred to
the clause (i), by the Ordinances or
Regulations, and possesses such further
qualification, if any, as may be
prescribed by the Ordinances or
Regulations.

NOTIFICATION

I

Bangalore, dated 1st October 1966 [No. ED 177 SMX 66]

S.O. 4517 :- In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Secondary Education Examination Board Act, 1966 (Mysore Act 16 of 1966) the Government of Mysore hereby appoints the fifth day of October 1966 as the date on which the said Act shall come into force.

By order and in the name of Governor of Mysore

B.R. Varma

Secondary Education Department

II

Bangalore, dated 30th May, 1995 [No. ED 2 MES 95]

S.O. - 522 : In exercise of the power conferred by sub-section (4) of Section 1 of the

Karnataka Education Act 1983, [Karnataka Act No. 1 of 1995] the Government of Karnataka hereby appoints the 1st day of June 1995 to be the day from which all provisions of the said Act shall come into force.

By Order and in the name of the
Governor of Karnataka.

M. PANKAJA
Special Officer & Ex-Officio
Deputy Secretary to Government,
Education Dept. (Planning).

**THE KARNATAKA SECONDARY EDUCATION EXAMINATION BOARD
(AMENDMENT) ACT, 1976**

KARNATAKA ACT NO. 9 OF 1976

(First published in the Karnataka Gazette, Extraordinary, on the Fourth day of March, 1976)

**THE KARNATAKA SECONDARY EDUCATION EXAMINATION BOARD (AMENDMENT)
ACT, 1976**

(Received the assent of the Governor on the Fourth day of March, 1979)

An Act to amend the Karnataka Secondary Education Examination Board Act, 1966.

Whereas, it is expedient to amend the Karnataka Secondary Education Examination Board Act, 1966 (Karnataka Act 16 of 1966);

Be it enacted by the Karnataka State Legislature in the Twenty-seventh Year of the Republic of India as follows:-

1. Short title and commencement - (1) This act may be called the Karnataka Secondary Education Examination Board (Amendment) Act, 1976.

(2) It shall come into force at once.

2. Amendment of Section 25 - In section 25 of the Karnataka Secondary Education Examination Board Act, 1966, (Karnataka Act 16 of 1966), for the Explanation, the following Explanation shall be substituted, namely:-

"Explanation - In this section 'year' means the official year.

Provided that for the purpose of the year 1975 - 76 the 'year' shall mean the period of eight months, commencing on the first day of August, 1975 and ending with the Thirty-first day of March 1976".

I

Amendment Act 19 of 1977 :- As per sub-clauses (a) and (b) of clause (A) of sub-section (4) of section 4 of the Karnataka Secondary Education Examination Board, Act 1966, the Karnataka Secondary Education Examination Board shall consist of, among others, two Divisional Deputy Directors of Public Instruction and one District Educational Officer.

In pursuance of the re-organisation of the Department of Public Instruction in 1970 every revenue district is headed by an officer of the rank of the Deputy Director of Public Instruction instead of the District Education Officer. Similarly, each division corresponding to the revenue division is headed by Joint Director of Public Instruction instead of the Divisional Deputy Directors of Public Instruction. In view of the changes made in respect of the designation of the above referred two officers, it has become necessary to make consequential amendments in the Act.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 17.06.1977 as No. 490).

II

Amendment Act 1 of 1995 :- It is considered necessary to provide for planned development of educational institutions, inculcation of healthy educational practice, maintenance and improvement in the, standards of education and better organisation, discipline and control over educational institutions in the State with a view to fostering the harmonious development of the mental and physical faculties of students and cultivating a scientific and secular outlook through education.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 07.07.1983 at page 291).

III

Amendment Act 18 of 1995 :- Sub-section (2) of section 20 of the Karnataka Secondary Education Examination Board Act, 1966 provided that the Board shall pay every year out of the Board fund to the State Government such amount as the State Government may determine on account of salary, pension, leave and other allowances of the Chairman, the Secretary and other officers and servants of the Board. However as the Chairman, the Secretary, other officers and officials of the Board are Government serve and draw their pay and allowances from the consolidated fund of the State, it is proposed to omit the said provision.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 17.04.1995 as No. 464).

**THE KARNATAKA SECONDARY EDUCATION EXAMINATION BOARD
(AMENDMENT) ACT, 2002**

KARNATAKA ACT No. 14 OF 2003

(First published in the Karnataka Gazette, Extraordinary,
on the Third day of April, 2003)

(Received the assent of the Governor on the Thirtieth day of March, 2003)

An Act further to amend the Karnataka Secondary Education Examination Board Act, 1966.

Whereas, it is expedient further to amend the Karnataka Secondary Education Examination Board Act, 1966 (Karnataka Act 16 of 1966) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-third year of the Republic of India, as follows-

1. Short title and commencement - (1) This Act may be called the Karnataka Secondary Education Examination Board (Amendment) Act, 2002.

(2) It shall come into force at once.

2. Amendment of Section 2 - In section 2 of the Karnataka Secondary Education Examination Board Act, 1966 (Karnataka Act 16 of 1966) (hereinafter referred to as the 'principal act'), in clause (j), after the words "a Higher Secondary School", a comma and the words "a Composite Junior College" shall be inserted.

3. Amendment of Section 4 - In section 4 of the principal Act, in sub-section (4), in clause (A) -

(i) for item (a), the following shall be substituted, namely -

"(a) the Divisional Secretaries and Exofficio Joint Directors of Public Instruction of the Board";

(ii) after item (da), the following shall be inserted, namely -

"(db) Director, Pre-University Education or his nominee.

(dc) Director, Directorate of State Educational Research and Training

(dd) Director, Secondary Education

(de) Director of the Board in charge of other examinations"

**EDUCATION SECRETARIAT
NOTIFICATION**

Bangalore, dated 3rd August 1966

G.S.R. 1075 - In exercise of the powers conferred by Section 34 of the Mysore Secondary Education Examination Board Act, 1966 (Mysore Act No. 16 of 1966), the Government of Mysore hereby makes the following rules, the draft of the same having been previously published as required by sub-section (1) of the said section in Notification No. ED 102 SXM 66, dated the 6th July 1966, as G.S.R. 1018 in Part IV - Section I-A of the Mysore Gazette, dated 7th July 1966.

**THE MYSORE SECONDARY EDUCATION
EXAMINATION BOARD RULES, 1966**

1. Title - These Rules may be called the Mysore Secondary Education Examination Board Rules, 1966.

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

(a) 'Act' means the Mysore Secondary Education Examination Board Act, 1966;

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

3. Election of members to the Board under section 4(4) (B). - Two persons to be elected to the Board by the members of the Academic Council of each of the Universities established by law in the State in accordance with clause (B) of sub-section (4) of Section 4, shall be elected at a meeting of the Academic Council of such University by a simple majority vote of the members present and voting, at such meeting.

4. Powers and duties of the Secretary - (1) It shall be the duty of the Secretary, -

(i) to issue notices as directed by the Chairman, convening meetings of the Board, the Examiners' Committee and any other Committee and to keep minutes, reports and records of all such meetings, and to take action on such minutes and reports whenever necessary subject to any directions given by the Chairman;

(ii) to act as Secretary of all Committees and to attend and participated in the discussions at the meetings of such Committees and supply such information and answer such questions as may be called for or put at such meetings;

(iii) to be the custodian of the common seal, buildings, records, library and such other properties movable and immovable, vesting in, held by or under the control of the Board and to arrange for the maintenance of a proper inventory, and ensure proper care and updeep of the same;

(iv) to report to the Controller, State Accounts, Departments, Government of Mysore, every case of loss of Boards property exceeding two hundred rupees in value;

(v) to conduct all correspondence of the Board under the authority of the Chairman;

(vi) to call for reports, returns and other information from recognised High Schools and other educational institutions;

(vii) to function as Treasurer of the Board and to receive all fees and other dues payable to the Board and all sums intended for the Board to credit all such moneys without delay to the Board's account and to keep proper accounts of all sums received by him in his capacity as Secretary and of expenditure of all moneys of the Board for which such moneys have been granted or allotted;

(viii) to prepare the financial estimates and statement of accounts for presentation to the Board or to a committee, if any, appointed by the Board for the purpose;

(ix) to perform such other duties as may be necessary for carrying out the decisions of

the Board.

(2) The Secretary shall have power;-

(i) to sign salary bills of the employees of the Board and to pass for payment travelling allowance bills other than those of the members of the Board and its Committees;

(ii) to grant leave other than special disability leave to the employees of the Board holding posts corresponding to Class III and Class IV posts in the Department of Public Instruction;

(iii) to sanction, subject to budget provision, the purchase or hire of stores, forms, stationery, furniture and other equipment required for the offices of the Board or to enter into a contract for the purposes of the Act, if the cost of each such purchase or hire or the expenditure involved in a contract does not exceed one hundred rupees;

(iv) to supply on request, free of charge, priced publications of the Board for official use, to Government and semi-Government Bodies, Universities and other educational or public institutions;

(v) subject to general or special orders of the Chairman, to determine and assign the duties to be performed and powers to be exercised by the several categories of officers and staff, of the Board.

5. Financial Estimates and Annual Report - (1) The Board shall prepare before the 15th day of June every year, the financial estimates for the ensuing year, commencing on the first day of August of such year and forward the same to the State Government for according sanction.

(2) The annual report to be prepared and forwarded to the State Government by the Board under sub-section (3) of section 25 shall, besides giving a complete account of the activities of the Board during the previous year, contain inter alia details regarding the following:

- (a) examinations conducted by the Board during the year under report;
- (b) finances of the Board;
- (c) changes, if any, in the constitution of the Board;
- (d) establishment under the Board;
- (e) directions given by the State Government to the Board for its compliance, if any.

(No. ED 102 SXM 66.)

By Order and in the name of the Governor of Mysore
B.R. Verma, Secretary

**THE MYSORE SECONDARY EDUCATION EXAMINATION BOARD
FIRST REGULATIONS, 1966**

CHAPTER 1

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**PROCEDURE TO BE FOLLOWED AT THE MEETINGS OF THE EXAMINERS'
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NOTIFICATION
Bangalore, dated the 1st November 1966

G.S.R. 1196. In exercise of the powers conferred by Section 28 read with Section 26 of the Mysore Secondary Education Examination Board Act, 1966 (Mysore Act No. 16 of 1966), the Government of Mysore hereby makes the following regulations, namely :-

CHAPTER 1

PRELIMINARY

1. Title - These regulations may be called the Mysore Secondary Education Examination Board First Regulations, 1966.

2. Definitions - In these regulations unless the context otherwise requires, -

- (a) 'Act' means the Mysore Secondary Education Examination Board Act, 1966;
- (b) 'Annexure' means an annexure to these regulations;
- (c) 'Assistant Superintendent' means a person appointed to assist the Chief Superintendent conducting the examination at a part of center located outside the premises of the buildings of the main center.
- (d) 'Block Superintendent' means a person appointed to assist the Chief Superintendent in conducting the Examination at center located within the premises of the buildings at the main center, or at the main buildings nearby the main center;
- (e) 'Bye-law' means the bye-laws made under Section 28;
- (f) 'Camp Office' means Office of the Board temporarily located at a place to facilitate custody and valuation of answer books and tabulation of results, or any other work connected with the examination;
- (g) 'Chief Superintendent' means a person appointed to conduct examination at a Center;
- (h) 'Custodian' means a person appointed to hold custody of question paper packers of the Examination at a center and to conduct the examination jointly with the Chief Superintendent;
- (i) 'Department' means the Department of Public Instruction in the Mysore State;
- (j) 'Director' means the Director of Public Instruction in Mysore;
- (k) 'Room Superintendent' means a person appointed to invigilate candidates at the examination;
- (l) 'Section' means a section of the Act.

CHAPTER II

MEETINGS OF THE BOARD

3. Meetings of the Board - (1) Subject to the provisions of Section 16, meetings of the Board shall be convened on such date or dates as the Chairman may decide.

(2) The meetings of the Board shall be held at Bangalore and at such other place in the State as the Board may decide.

(3) The mode of calling the meetings of the Board and the procedure to be followed at such meetings shall be in accordance with bye-laws.

CHAPTER III

MANNER OF APPOINTMENT OF MEMBERS OF THE APPOINTMENT COMMITTEE AND THE EXAMINERS' COMMITTEE

4. Manner of Appointment of Members of the Appointment Committee and the Examiners' Committee - The appointment of two members who are not ex-officio members, to the Appointment Committee under sub-section (2) of Section 19 and the appointment of ten members by the Board to the Examiners' Committee under Section 2 (ii) of Section 21 shall be by election by the members of the Board, of persons who are not disqualified under the Act for being members and are eligible for being appointed as members to the Appointment Committee under sub-section (2) of Section 19 and in the case of election to the Examiners' Committee belong to the category of members specified in sub-clauses (a), (b) or (c), as the case may be, of clause (ii) of sub-section (2) of Section 21 and such election shall be held in accordance with the following provisions :-

(i) The Secretary shall call for nominations for election to the Appointment Committee or the Examiners' Committee as the case may be, in the form given in Annexure I at least three weeks before the date of the meeting at which the election is to take place.

(ii) In the case of election of two members to the Appointment Committee only such members who are not ex-officio members shall be eligible to stand as candidates for election and in the case of election to the Examiners' Committee -

(a) if the election is for electing a member under sub-clause (a) of clause (ii) of sub-section (2) of Section 21 only persons who are ex-officio members of the Board shall be eligible to stand for election;

(b) if the election is for electing a member under sub-clause (b) of clause (ii) of sub-section (2) of Section 21, only elected members of the Board shall be eligible to stand for election;

(c) if the election is for electing a member under sub-clause (c) of clause (ii) of sub-section (2) of Section 21, only nominated members of the Board shall be eligible to stand for election;

(iii) Every nomination must be duly proposed by a member of the Board other than the candidate himself and seconded by any other member other than the proposer and should bear the signature of proposer and seconder. The consent of the candidate may be given either in the nomination paper or in a separate letter, if the candidate so chooses.

(iv) The nomination paper and the letter of consent shall reach the Secretary at least a week before the meeting of the Board at which the election to the Committee concerned is to be held.

(v) A candidate nominated for election may withdraw from the contest at any time before the hour fixed for the meeting at which the election is to be held.

(vi) If the number of candidates nominated is equal to or less than the number of seats to be filled, the candidates so nominated shall be declared, at the meeting, to have been duly elected.

(vii) If the number of persons nominated exceeds the number of seats to be filled by

election to any Committee, the election shall take place at the meeting of the Board. Each member of the Board shall have as many votes as there are seats to be filled by election, but no member shall give more than one vote to any one candidates to be elected who secure the highest number of votes shall be declared elected. The Chairman shall appoint scrutineers to count the votes and declare the results on the reports of the scrutineers so appointed.

(viii) If no persons is nominated as a candidate for election or where the number of nominations received is less than the number of candidates required to be elected, such number of candidates equal to the number which falls short of the total number of members to be elected shall be elected after calling for nominations in accordance with paragraph I and the procedure laid down in paragraphs (iii) to (vii) of this regulation shall mutatis mutandis apply for such election.

CHAPTER IV

PROCEDURE TO BE FOLLOWED AT THE MEETINGS OF THE EXAMINERS' COMMITTEE AND TRAVELLING ALLOWANCE AND OTHER ALLOWANCES TO BE DRAWN BY THE MEMBERS OF SUCH COMMITTEE

5. Definition - In this Chapter, 'Committee' means the Examination Committee appointed under sub-section (2) of section 21.

6. Notice of meetings of the Committee - The Secretary shall give three clear days' notice of every meeting of the Committee to the members and shall forward with the notice an agenda paper containing the business to be transacted at the meeting. The Chairman shall place before the meeting any urgent item of business not included in the agenda.

7. Sittings of the Committees - The sittings of the Committee shall be held on such days and at such hour as the Chairman may fix.

8. Chairman and Secretary of the Committee - The Chairman shall be the ex-officio Chairman and the Secretary shall be the ex-officio Secretary of the Committee.

9. Presiding Officer during the absence of Chairman - If the Chairman is for any reason unable to be present at a meeting of the Committee, the members of the Committee present shall elect a Chairman from among themselves to preside at such meeting.

10. Quorum for meeting of the Committee - The quorum to constitute a meeting of the Committee shall be six.

11. Procedure when there is no quorum - If at a sitting of the Committee there is no quorum the Chairman or the person presiding shall suspend the sitting until there is quorum, or adjourn the meeting to a future date and the business to be transacted at such adjourned meeting shall be that left undecided at the meeting for which notice of such business had been given earlier.

12. Method of deciding questions at a meeting of the Committee - All questions at the sitting of the committee shall be determined by a majority of votes of the members present and voting.

13. Casting vote of Chairman - In the case of an equality of votes on any matter the Chairman or person presiding shall have and exercise a second or casting vote.

14. Record of decisions - A record of the decisions of the Committee shall be maintained and circulated to the members of the Committee by the Secretary under the direction of the Chairman.

15. Travelling Allowance and other Allowances admissible to members of the Committee

- Members of the Committee who are not in the service of the State Government may draw travelling allowance and other allowances for attending meetings of the Committee in accordance with the following provisions, namely :-

Rates of Travelling Allowance to the Non-Official Members.

- | | | | |
|----|---|------------------|--|
| 1. | Railway fare | | Ist Class |
| 2. | Bus fare | | 1 ¹ / ₂ times Bus fare plus one daily allowance |
| 3. | Incidental charges for railway journey... | 6 paise per mile | |
| 4. | Road Mileage | | 50 paise per mile |
| 5. | Daily allowance | | Rs. 10 per day (within the State)
(Sitting fees wherever permissible will be allowed in lieu of D.A.) |

Note - 1. Road mileage is admissible on routes where public conveyances are not flying.

2. Half Daily Allowance is admissible on the day of arrival at a place outside Headquarters and also on the day of departure from the place out of Headquarters provided no 1/2 D.A. is admissible. If the date of arrival and departure happens to be on the same day.

(2) Members of the Committee who are in the service of the State Government shall draw travelling allowance and other allowances in accordance with the provisions of the Mysore Civil Services Rules for the time being in force applicable to similar class of the State Government servants.

(3) The provisions of clause (1) and (2) of this regulation shall mutatis mutandis be applicable to travelling allowance and other allowances payable to persons co-opted by the Road under sub-section (2) of section 14.

CHAPTER V

APPOINTMENT OF EXAMINERS, SUPERVISORS, TABULATORS AND OTHER STAFF AND REMUNERATION PAYABLE TO THEM.

16. Qualification of Examiners and Tabulators - Qualification for appointment as Examiners - (1) An Examiner will be appointed as Chief or Deputy Chief Examiner for any subject, who has experience as a teacher in a Recognised Institution or who has functioned as Inspecting Officer for not less than 10 years. He shall not be eligible for Examinership unless he has taught the subject for a period of not less than 3 years.

(2) An examiner who is appointed as Chief Examiner shall ordinarily be not below the rank of the Head of a recognised institution.

(3) An Examiner shall be appointed as Assistant Examiner who has a minimum teaching experience of at least 3 years in a recognised institution in the subject in which such person is to be appointed as such.

(4) No person shall be appointed as Examiner for more than four (4) Examinations consecutively.

(5) No person shall have 2 Examinerships in the same public Examinations.

(6) There shall ordinarily be an interval of not less than two years before a person is re-appointed as Examiner.

(7) A person to be appointed as Examiner shall be in service either in Government or Aided Institutions on the day of his appointment as Examiner.

17. Disqualification of Examiners - (1) A person shall be disqualified for being appointed as Examiner.

(i) If a near relative of his is set as a candidate for the Examination; provided that a person appointed to work as an Examiner or paper-setter only shall not be considered as disqualified under this sub-clause if his near relative has not offered the particular subject in which the person is appointed to work as an Examiners.

Explanation - The term near relative means, wife of husband, son, daughter, brother and sister.

(ii) If he is having or has had during the year, any share in the working of a coaching class for candidates appearing for the examination, either partly or wholly, provided that tuitions imparted in special classes organised by a school shall not constitute a disqualification under this sub-clause;

(iii) If he is the author or publisher of, or has directly or indirectly any financial interest in the publication of any guide in or annotations on any subject prescribed for the Examination.

(iv) If he is a member of the Board;

(v) If he has been removed from the list of Examiners under Section 23 of the Act and the period for which he has been so removed has not expired;

(vi) If he has been disqualified for appointment by a University established by Law in the State or by any Board or in State Government in respect of any examination conducted by them;

(vii) If he is a candidate appearing for the Examination.

(2) A person shall be disqualified for appointment as a Paper-setter if he has had, during the year, undertaken private tuition of any candidate for the examination.

(3) A person shall be disqualified for being appointed as a Paper-setter in a subject if he is the publisher of, or has any financial interest directly or indirectly in the publication of a text-book prescribed for the Examination in such subject or a book covering substantially the syllabus prescribed for the Examination in such subject which is used, or is intended to be used, as a text-book by candidates appearing for the Examination.

(4) The question whether a book is a guide or a book of annotations or a text book of the nature referred to in clause (1) and (3) shall be decided by the Examiners' Committee and its decision shall be final.

18. Number of persons in the panel of Examiners - (1) The number of persons to be included in the panel of Examiners for each subject shall be not less than two and not more than five.

(2) The number of persons to be included in the panel of examiners in each subject shall be not less than one and a half times and not more than twice the number of examiners required to be appointed in that subject provided there is a sufficient number of eligible applicants.

(3) The Chief Examiners, the Joint Chief Examiner, the Deputy Chief Examiners shall be appointed out of the panels of Examiners in the subjects concerned.

(4) The panels shall be prepared in October every year and the panels so prepared shall be valid both for the March and September Examinations to be held in the next following year. In preparing such panels, there shall be indicated against the name of each paper-setter and Examiner his mother tongue and other Indian languages, if any, which he knows well enough to be able to assess answers written in them.

19. Appointment of various categories of Examiners - (1) The Board shall, on the recommendation of the Examiners Committee, appoint such number of Paper-setters, Examiners, and Chief/Joint Chief/ Deputy Chief Examiners from the panel of names of Paper-setters and Examiners submitted by the Examiners Committee, as it deems necessary. Their appointment

shall be for the particular Examination only.

(2) Except for special reasons to be recorded by the Board, no Paper-setter, Examiner or Chief / Joint Chief / Deputy Chief Examiner in a subject shall be eligible for appointment as a paper-setter, Examiner or Chief/Joint Chief / Deputy Chief Examiner in any of the other subjects at the same Examination.

(3) Each Paper-setter, Examiner and Chief / Joint Chief / Deputy Chief Examiner shall follow such instructions as may be given to him from time to time by the Board.

(4) Notwithstanding anything contained in the clauses above, the Chairman may appoint Associate Examiners from the panels referred to in Regulation 18 for assessing specific answer scripts of a subject.

20. Number of various categories of Examiners - (1) There shall be one Paper-setter for each subject. For subjects of the same category, the paper-setters shall form into a Committee of paper-setters with one of them appointed as Convener. The Convener shall convene a meeting of the Committee and scrutinise the question papers and finalise them.

(2) The number of examiners in each subject shall ordinarily be determined in such a manner that an individual examiner may not be required to assess in aggregate more than 300 answer books of a question paper of three hours' duration or a proportionate number of answer books of a question paper of less than three hours duration.

(3) The number of Deputy Chief Examiners to be appointed in respect of each subject shall ordinarily be in the proportion of one Deputy Chief Examiner for every seven examiners or a part thereof. No Deputy Chief Examiner shall simultaneously function as a Examiner in any subject provided that the Chairman may in an emergency call upon a Deputy Chief Examiner to work also as an examiner or an examiner to work as a Deputy Chief in addition to his duties as an Examiner :

Provided further that if a Deputy Chief Examiner for any reason fails or is unable to carry out the whole or part of the work allotted to him and if it is considered inexpedient to appoint another Deputy Chief Examiner in his place, the Chairman may distribute such work among one or more Deputy Chief Examiners in the subject:

Provided further than when the total number of examiners in a subject is less than seven, the Chairman may ask the Chief Examiner to work as a Deputy Chief Examiner.

(4) A Joint Chief Examiner shall be appointed in each subject for every fourteen Deputy Chief Examiners.

21. Scales of remuneration to Examiners : - The Examiners appointed in connection with the various examinations in various categories shall be paid remuneration in accordance with the scale specified in Annexure II.

22. Qualifications and disqualifications for appointment as Supervisors - (1) A person possessing the following qualifications only shall be eligible for appointment as Supervisor namely : - The Supervisors to be appointed at the Examination Centers shall ordinarily be graduate teachers. Permanent teachers shall be preferred. If however, a graduate teacher is not a permanent teacher, he should have at least put in three years' service. If graduated teachers are not available in any of Examination Centers, them S.S.L.C. trained teachers may be appointed. If teachers with S.S.L.C. qualifications are not available then other permanent teachers will more than 5 or 6 years service may be appointed as supervisors. There shall be no distinction between Government teachers and teachers from non-Government schools. Persons other than teachers should not be appointed as Supervisors.

Disqualifications of Supervisors - A person shall be disqualified for appointment as Supervisor - (I) (1) If a near relative of his is appearing as a candidate for the examination, provided that a person appointed as Supervisor shall not be considered as disqualified under

this clause if his near relative has appeared at the other Center of Examination.

Explanation - The term "Near relative" means wife / husband / son / daughter / brother / sister.

(2) If he is having or has had during the year any share in the working of a coaching class for candidates appearing for the examination either partly or wholly, provided that tuitions imparted in special classes organised by a school shall not constitute a disqualification under this clause.

(3) If he is author or publisher of or has directly or indirectly any financial interest in the publication of any Guide or any annotation in any subject prescribed for the Examination.

(4) If he is a member of the Board.

(5) If he has been removed from the list of Examiners under section 23 of the Act and the period for which he has been so removed, has not expired.

(6) If he has been disqualified for appointment by a University established by Law in the State of by any Board constituted by the State Government in respect of any examination conducted by them.

(II) A person shall be disqualified for appointment as Supervisor if he has had during the year undertaken private tuitions of any candidate appearing for the Examination.

(III) A person shall be disqualified for being appointed as Supervisor at the Center if he is a publisher of a book or annotation or has any financial interest directly or indirectly in the publication of a text-book prescribed for the examination in such subject covering substantially the syllabus prescribed for the examination in such subject which is used or is intended to be used as a text-book by candidates appearing for the examination.

The question whether a book is a guide or a book of annotations or a text-book of the nature referred to in clause I (3) and III shall be decided by the Examiners Committee and its decision shall be final.

23. Appointment of various categories of Supervisor - (1) In respect of each center where the examination is conducted, the Chairman may appoint a Chief Superintendent and a Custodian.

(2) No person who is disqualified for appointment as Supervisor and does not possess the qualifications prescribed for such appointment in regulation 22 shall be eligible for appointment as Chief Superintendent or Custodian as the case may be.

(3) The Chief Superintendent appointed under clause (1) may appoint for each center of examination such number of persons as Block Superintendents, Assistant Superintendents and Room Superintendents, who are not disqualified for appointment as Supervisors and possess the qualifications prescribed for such appointment.

24. Scale of remuneration to Supervisors - The Supervisors and officers appointed in connection with any examination shall be paid remuneration in accordance with the scales specified in Annexure II.

25. Appointment of Tabulators - (1) To carry out the work of tabulating the marks obtained by the candidates and striking the results at the various examinations, the Chairman may appoint Tabulators.

(2) Qualifications for Appointment as Tabulators - The qualifications laid down for Examiners shall be made applicable in the case of persons to be appointed as Tabulators provided that persons for tabulation work shall also be drawn from the non-teaching Staff subject to his suitability and also subject to his being conversant with the Rules, Regulations and also possessing experience regarding Examination work and provided further he has put in a minimum service of three years to be eligible for appointment as Tabulators.

(3) No person shall be appointed as Tabulator, if he comes under disqualifications

prescribed for Examiners.

26. Various categories of Tabulators - The Chairman may appoint such number of Chief Tabulators, Joint Chief Tabulators, Deputy Chief Tabulators and Tabulators from among persons as are not disqualified for such appointment under regulation 25. They shall carry out such duties connected with the work of tabulation as may be assigned to them by the Chairman.

27. Scale of remuneration to Tabulators - The Tabulators appointed under this regulation shall be paid remuneration in accordance with the scale specified in Annexure II.

28. Appointment of other staff and servants - (1) Subject to approval by the Board, the Chairman may appoint such other staff and servants required to assist him in the conduct of any examination.

(2) A Chief Superintendent of a center may with the general or specified approval of the Chairman appoint besides the Supervisors, such other staff and servants to assist him in holding an examination at the center.

(3) The staff and servants appointed under clauses (1) and (2) shall be paid remuneration as indicated in Annexure II and in the case of those not falling under any of the categories specified in Annexure II, they shall be paid such remuneration as the Board may by general or special order authorise.

29. Withholding of or reduction in remuneration payable - The remuneration payable under these regulations shall be subject to the condition that the amount payable may be withheld or reduced under such circumstances as may be specified by the Board.

CHAPTER VI

THE MYSORE SECONDARY SCHOOL LEAVING CERTIFICATE EXAMINATION

30. Definitions - In this chapter -

(i) "examination" means the Mysore Secondary School Leaving Certificates Examination;

(ii) 'ex-school candidate' means a candidate who having once taken the examination as a school candidate and failed therein takes the examination again otherwise than as a school candidate, and includes a candidate who having completed the courses of study and put in the required attendance in the X Standard for appearing as a school candidate fails to appear for the examination though otherwise eligible and takes the examination otherwise than as a school candidate within a period of two years after the completion of the course of studies provided that in either case the candidate has not attended any recognised High school after the 30th day of June proceeding the year of the examination as a regular student of the X standard class.

(iii) "school candidate" means a candidate who takes the examination after sending his application through a recognised High School after completing the Course of Study prescribed by the State Government for the VIII, IX and X Standards of the Secondary Education in a recognised High School and includes a candidate who having once appeared for the examination through a recognised High School as a regular student and after either having failed in or not appearing for the examination appears for the examination again through a recognised High School after putting in the required attendance as a regular student in the X Standard Class.

(iv) "private candidate" means a candidate who is permitted to appear for the examination conducted by the Board otherwise than as a School candidate or as an ex-school candidate.

31. Holding of examination - (1) The examination shall ordinarily be held twice every year during the months of March and September and on such dates as may be fixed by the Board.

(2) Notwithstanding anything contained in Clause (1) above, the Board may-

(i) hold the examination during such other period of the year and on such dates as it may

fix ; or

(ii) hold a special examination when so required on such dates as may be fixed by the Board.

32. Centers of examination - The examination shall be conducted at such centers in such places as may be determined by the Board. The centers so determined shall ordinarily be notified by the Board before the first day of January if they are for the examination to be held in March and the first day of July if they are for the examination to be held in September and in the case of an examination to be held during any other months of the year, the centers shall be notified sixty days before the date of the commencement of such examination.

33. Scheme of the examination - The examination shall be held in the subjects and in accordance with the scheme of the examination given in Annexure, III and shall conform to the syllabi and the text books published by the Department of Public Instruction not less than eight months before the date of commencement of the examination :

Provided that changes, effected in the syllabi or in the text books six months prior to the date of commencement of the examination which are in the opinion of the Board of a minor nature may be considered as part of the syllabi prescribed for the examination, and such changes shall be notified by the Board six months before the date of commencement of the examination.

34. Mode of examination - Candidate for the examination shall be examined by means of

-

- (i) written questions which the candidates are required to answer in writing;
- (ii) practical tests as provided for in the syllabi.

35. Medium of examination - (1) The examination shall be conducted in all or any of the following languages, namely:-

- (a) English
- (b) Hindi in Devanagari script,
- (c) Kannada,
- (d) Marathi in Devanagari script,
- (e) Tamil
- (f) Telugu
- (g) Urdu

(2) A candidate shall have the option to choose any of the languages in which he has undergone the course of study prescribed for the VIII, IX or X standard by the Department of Public Instruction as the medium for the examination and such option shall be indicated in the application form to be sent by the candidate for admission to the examination.

(3) A candidate who has indicated his choice under clause (2) for any of the languages specified in clause (1) as the medium of examination shall be required to answer only in the language chosen by him for such examination.

(4) Where a language chosen by a candidate as the medium of examination is not one of the languages specified in clause (1) but is nevertheless a language in which the candidate has undergone the course of study, then the Board shall, notwithstanding anything contained in this clause conduct the examination in the language chosen by the candidate as the medium of examination.

36. Eligibility of recognised High Schools to send up candidate for the examination -

(1) All recognised High Schools shall be eligible to send up candidates for the examination subject to such conditions as may be specified from time to time by the Board.

(2) Every recognised High School shall, -

- (i) supply to the Board on or before such dates may be specified by the Board, such

returns and informations as may be required;

(ii) maintain such registers and records as may required; required by the Board from time to time;

(iii) afford all facilities for the conduct of examination and for the tabulation of the marks and publication the results of the examination; and

(iv) carry out and observe such instructions in connection with the examination as may be issued by the Board from time to time.

37. Conditions of eligibility to appear for the examination as a school candidate - (1) No person shall be eligible to appear for the examination as a school candidate unless he has -

(i) sent his application through a recognised high school in which he was studying as a regular student of the X standard at the time of sending his application for admission to the examination and has completed the course of study prescribed for the X Standard;

(ii) put in attendance of not less than seventy-five per cent of the number of working days (excluding holidays and vacation) or such other percentage of the number of working days as may be prescribed by the Department of Public Instruction as the minimum attendance required to be put in by a student of the X standard in a recognised High School or deficiency in the required number of working days to be attend has been condoned under clause (2) or (3).

(2) Where the attendance put in by a school candidate is less than seventy-five per cent of the total number of working days in the X Standard class-

(i) the head of the recognised high school may condone deficiency in attendance of such number of days not exceeding fifteen days of the deficiency; and

(ii) where the deficiency exceeds fifteen days, but does not exceed thirty days, the head of the recognised high school shall forward cases of such deficiency for condonation by the Chairman and in cases where the deficiency exceeds thirty days, the names of candidates shall be reported to the Chairman with details regarding the deficiency.

(3) Notwithstanding anything contained in the preceding clause, the Board may in respect of a candidate or class of candidates condone deficiency of attendance either by general or special order upto such percentage of the working days as the Board may decide after considering the circumstances of any case and for reasons to be recorded in writing.

38. Conditions of eligibility to appear as an ex-school candidate for the examination - No person shall be eligible to appear for the examination as an ex-school candidate unless he has registered himself as an ex-school candidate in a recognised high school after paying the prescribed fee for such registration and sent his application through such school.

39. Conditions of eligibility to appear as a private candidate for the examination - Save as otherwise provided in regulation 40, a candidate will be eligible to appear for the examination as a private candidate in any year only if he -

(i) completes eighteen years of age on the 1st day of March of the year where the examination is to be held during March and on the 1st day of September of that year where the examination is to be held during September;

(ii) has passed the primary VII Standard examination conducted by or under the authority of the Department of Public Instruction or an examination considered by the Board as equivalent to the Primary VII Standard examination; and a period of not less than four complete years from the date of passing such examination will have elapsed on the 1st day of March of that year where the examination is to be held in March, or on the 1st day of September of that year where the examination is to be held in September.

(iii) has not attended any recognised high school at any time during the period of hundred and eighty days immediately before the 1st day of March of that year where the examination is to be held in March and before the 1st day of September of that year where the

examination is to be held in September.

40. Special conditions of eligibility to appear as a private candidate - Notwithstanding anything contained in regulation 39, but subject to the provisions of regulation 42 -

(i) any male person who completes twenty years or any female person who completes 18 years of age during the year in which he / she wishes to appear for the examination on the first day of March of that year where the examination is to be held during March, or on the first day of September where the examination is to be held during September as the case may be;

(ii) women candidates who have undergone the two-year condensed course conducted under the auspices of the Central Social Welfare Board, New Delhi, before the last date prescribed for sending applications for the examination ;

(iii) physically handicapped persons;

shall be eligible to appear as private candidates.

Explanation - For the purpose of this regulation, a person shall be deemed to be physically handicapped if he is certified as such by a medical officer in the services of the State Government who is not below the rank of a District Surgeon.

41. Provisions relating to physically handicapped - Notwithstanding anything contained in these regulations the provisions of these regulations relating to age, qualifications the provisions of these regulations relating to age, qualification, attendance, mode of examination, medium of examination and other matters shall not apply to physically handicapped persons in so far as they are in courses sent with any special provision made by the Board in respect of the physically handicapped persons and such special provisions shall apply to the conduct of examination in respect of such class of persons.

42. Ineligibility of candidates who has passed on equivalent or higher examination - Notwithstanding anything contained in regulations 39 and 40, no person who has passed any examination recognised as equivalent to or higher than the Mysore Secondary School Leaving Certificate Examination conducted by the Board, shall be eligible to appear for the examination as a private candidate.

43. Enrolment of private candidates - (1) Any person who intends to appear as a private candidate for the examination shall apply to the Board through the recognised institution for being enrolled as a private candidate through a recognised high school in the form of enrolment prescribed by the Board and on payment of the fee specified in Annexure VI.

(2) The application for enrolment should be accompanied by any one of the following documents as evidence of age, namely : ---

(i) Baptismal certificate;

(ii) extract from the birth register;

(iii) affidavit sworn to before a judicial Magistrate

(iv) extract from service register if the candidate is a Government servant.

(3) The Board may after being satisfied about the conditions of eligibility of the person to appear as a private candidate grant an enrolment certificate.

(4) On receipt of the enrolment certificate a candidate shall on payment of the registration fee specified in Annexure VI get himself registered with one of the recognised high schools as a private candidate. A candidate shall forward the enrolment certificate granted by the Board along with his application for admission to the examination.

44. Application for admission to be accompanied by photograph - Every candidate who sends his application for admission to the examination through a recognised high school other than the school from which he appeared for the examination previously, should attach to the application from three duly attested passport size copies of his photograph taken not earlier than fifteen days before the date of submission of his application to the head of the recognised

high school.

Note - This rule applied to all private candidates also who should also produce a passport size photograph taken not earlier than 3 months, duly attested by a person of a status.

45. Last date for sending applications - Applications for admission to the examination shall be sent to the examination shall be sent to the Secretary or such other officer, as may be authorised by the Board through the Head of a recognised High School as to reach him on or before such date as may be specified by the Board. A head of a recognised high school may be permitted by the Board to receive applications beyond the last date specified by the Board. A head of a recognised high school may be permitted by the Board to receive applications beyond the last date specified till such date not exceeding fifteen days beyond the last date on payment of the penal fee specified in Annexure VI.

46. Admission ticket to be granted by the Board - In respect of every candidate who has applied for admission to the examination, the Board shall after satisfying itself that the candidate is eligible for admission to the examination under these regulations issue an admission ticket to the candidate and such admission ticket shall be sent to the candidate through the head of the recognised high school from which the candidate has sent his application. A duplicate admission ticket may be issued by the Board on payment of the fee specified in Annexure VI on production of proof to the satisfaction of the Secretary regarding the loss of the original admission ticket.

47. Fees and charges in respect of examinations - The fees and charges leviable in connection with the various matters connected with the conduct of the examination shall be as specified in Annexure VI.

48. Arrangements for the conduct of the examination - (1) The Chief Superintendent shall be responsible for the efficient conduct of the examination at each center.

(2) The Chief Superintendent shall carry out such general or special instructions as may be given to him from time to time by or on behalf of the Board.

(3) All Supervisors appointed in connection with the conduct of an examination in a center shall assist the Chief Superintendent any carry out such instructions as may be given to them from time to time by the Chief Superintendent.

(4) Notwithstanding anything contained in these regulations in all matters connected with the conduct of an examination at a center the Chief Superintendent shall exercise such powers as are necessary for the efficient conduct of examination during any emergency and shall report to the Board for approval of action taken by him in all cases where the exercise of such powers were not in accordance with the general instructions of the Board or which required previous approval of the Board.

49. Declaration of results - The results of every examination conducted by the Board shall be published in the manner indication in Annexure III on such date as may be decided by the Board.

50. Re-totalling of marks - (1) Any candidate may within thirty days from the date of publication of the results of an examination by the Board apply to the Board for retotalling of marks in any subject after paying the fee specified in Annexure VI.

(2) If after re-totalling of marks the result published in respect of a candidate requires to be altered, the result shall be altered by the Board in conformity with the marks obtained after such re-totalling and published.

51. Award of certificates - The Board shall award a certificate to every candidate who appears for any examination in such form as the Board may decide, indicating the results of such candidate in such examination.

52. Issue of duplicate certificates, marks cards, etc - The Board may on application either by a candidate or by a parent or guradian of such candidate and on payment of the fees

specified in Annexure VI issue duplicate marks cards migration certificates, cumulative records and duplicate cumulative records and extracts of such documents forming part of the official records of the Board as it may decide.

Chapter VII

THE TEACHERS' CERTIFICATE EXAMINATION

53. Holding of examination - T.C. (Higher) and T.C. (Lower) examinations will be held in two parts, viz., Theory and Practical. The Theory Examination will be held annually during the month of April and practical examination will be usually held about six to eight weeks prior to the commencement of the theory examination :

Provided that if a Student does not secure minimum marks at the Public Examination in Academic Subjects in the first year, a Supplementary Examination shall be held during September / October of each year for the failed candidates of the Ist year.

54. Centers of Examination : The Theory and Practical Examinations will be held in such Centers as may be opened by the Board from time to time and as may be intimated to the Institutions concerned.

55. The Examinations shall be held in subjects and in accordance with the scheme of the Examination given in Annexure IV and V and shall conform to the syllabi and the Text Books published by the Department of Public Instruction.

56. Mode of examination - Candidates for the examination shall be examined by means of -

- (i) written questions which they shall be required answer in writing.
- (ii) practical tests as provided for in the syllabus.

Where there is more than one center for written examination the question papers shall be given to candidates on the same day and at the same time at every Center.

Rules for Eligibility of Candidates

57. (A) Training Certificate (Higher) - (i) Candidates who has passed Mysore S.S.L.C. Examination or any examination considered equivalent to the Mysore S.S.L.C. Examination will be eligible for admission to the Examination.

(ii) They should have undergone training for two academic years in a Government / non-Government Training institution recognised by the Department for imparting training in the courses of studies prescribed for this Examination.

(iii) They should have attended the recognised Training Institution for not less than 75 per cent of the number of working days in each academic year to which effect candidates appearing for the examination for the first time are required to produce a certificate from the Head of the Institution in which they have undergone training.

(iv) Every candidate appearing for the examination for the first time is required to produce a certificate from the Head of Training Institution to the effect that he / she carried out the year's work satisfactorily in Community Living Practice Teaching Craft-work, and other activities mentioned in the syllabus.

(B) Training Certificate (Lower) - (i) Candidate who have passed Mysore Primary District Level VII Standard examination or an examination considered as equivalent to that examination, are eligible for admission to this examination.

(ii) They should have undergone training for two Academic years in a Government /

non-Government Training Institution recognised by this Department for imparting training in the course of studies prescribed for this examination.

(iii) He should have attended a recognised training Institution for not less than 75 per cent of the number of working days in each academic year to which effect each candidate appearing for the examination for the first time is required to produce a certificate from the Head of the Institution in which he / she underwent training.

(iv) Every candidate appearing for the examination for the first time is required to produce a certificate from the Head of the Training Institution to the effect that he / she carried out the year's work satisfactorily in Community Living, Practice Teaching, Craft-work and other activities mentioned in the Syllabus.

Ex-Institution Candidates - A candidate who has satisfactorily completed the course of studies prescribed for the Training Certificate after undergoing training for a period of two academic years in a Government or non-Government Training Institution, and has attended the recognised institution for the prescribed number of days in each academic year and who has either appeared for the examination and failed in the same or who has not appeared for the examination is eligible to take the examination in subsequent years as ex-institution candidate.

ANNEXURE 1

[See Regulation 4 (O)]

ELECTION TO THE APPOINTMENT COMMITTEE / EXAMINERS' COMMITTEE OF THE MYSORE SECONDARY EDUCATION EXAMINATION BOARD

FORM OF NOMINATION

- | (1) | (2) |
|---|-------|
| 1. Name of the candidate in full and his residential address | |
| 2. Name of the proposer in full | |
| 3. Name of the Seconder in full | |
| 4. Signature of the proposer | |
| 5. Signature of the Seconder | |
| *6. If the election is to the Appointment Committee, the candidate may indicate against this entry in Column (2) whether he is an elected member or a nominated member and if he is a nominated members the category of members under section 4 (4) (C) which he represents | |
| *(7) If the election is under section 21 (2) (ii) for one or more seats to represent all or any of the three categories, on the Examiners' Committee, the candidate may indicate where the election is, - | |
| (i) to elect persons to represent ex-officio members the category of ex-officio members under section 4 (4) (A) to which he belongs; or | |
| (ii) to elect persons to represent the Elected Members, the Academic Council of the University from which he is elected under section 4 (4) (B); or | |

(iii) to elect persons to represent nominated members, the category of nominated members which he represents under section 4 (4) (C); as the case may be, against this entry in column (2),

* Strike off the inappropriate alternative.

I hereby declare that -

- (a) I am not disqualified for being elected as a member of the Appointment Committee/Examiners' Committee;
- (b) I am standing for election to the Appointment Committee and I am not an ex-officio member of the Board / I belong to the category of members specified in section 21 (2) (ii) (a)* / 2 (2) (ii) (b)*/21 (2) (ii) C*/to be elected to the Examiners' Committee by the Board;
- (c) I consent to this nomination, have given my consent to the nomination which I have communicated in a separate letter to the Secretary.

Signature of the Candidate

Place

Date

N.B. - Attention is invited to the following regulation :

Regulation 4

- (iii) Every nomination must be duly proposed by a member of the Board other than the candidate himself and seconded by any other members other than the proposer and should bear the signature of the proposer and the secondar. The consent of the candidate may be given either in the nomination paper or in a separate letter; if the candidate so chooses.
- (iv) The nomination paper and the letter of consent should reach the Secretary at least a week before the meeting of the Board at which the election to the Committee concerned is to be held.

ANNEXURE II

[See Regulations, 21, 24 and 27

**SCALES OF REMUNERATION TO EXAMINERS, SUPERVISORS, AND TABULATROS
1. THE MYSORE SSLC EXAMINATION**

(A) Examiners

The scale of remuneration shall be as under

	For ordinary type F	o	r
	Rs.	Rs.	
(A) For paper setting -			
For drawing up (a) a paper of 2½ hours to 3 hours and supplying Model Answer	50	60	
(b) A Paper of duration of 2 hours and supplying Model Answer	45	60	
(c) A Paper of the 1½ hours and supplying Model Answer	30	36	
(d) A Paper of 1 hour and supplying Model Answer	25	30	
(e) A Practical Examination Question Papers in Music	60	...	
(f) For drawing up of papers in Typewriting			
I Paper Speed and Accuracy	30	...	
II Paper Mechanism (Theory)	30	...	
III Paper Manuscript	50	...	
(Corresponds to II Paper at the existing SSLC Examination			
(g) Where there is only one paper setter in a particular subject; an additional member may be associated as Joint Paper Setter and paid Remuneration of	25	...	
(B) For a Convener, Committee of Paper Setters, where there are two or more paper setters	40	...	

- (A) For Chief Examiner -
- (a) with no Deputy Chiefs or Assistance Examiners
 - (b) with the assistance of Asst. Examiners of less than eight
 - (c) with the assistance of more than one Deputy Chief Examiners
- (a) Only valuations fees in addition to Paper setting fees.
- (b) Rs. 250 in addition to paper setting fees.
- (c) Rs. 300 in addition to scrunity fee for scrunity of answer papers valued by the Asst. Examiners
- Note - The Chief Examiners will scrutinise one per cent of answer scripts valued by the Assistant Examiners under them subject to a maximum of 200 scripts. The rate of remuneration for such scrutiny work will be the same as that admissible for valuation.
- (B) For Deputy Chief Examiners Rs. 250
- (C) Joint Chief As in the case of Chief Examiners wherever appointed.
- (D) For Assistant Examiner-
- (i) For valuation of paper of one hour duration (i) 0.30 paise per answer script
 - (ii) For valuation of paper of one and half hour duration (ii) 0.45 paise per answer script
 - (iii) For valuation of paper of two hours duration (iii) 0.55 do
 - (iv) For valuation of paper of two and a half hours duration (iv) 0.75 do
- (E) For valuation of Typewriting -
- (i) I Paper (i) 0.50 paise per answer script
 - (ii) II Paper (ii) 0.50 paise per answer script
 - (iii) III Paper (iii) 0.75 paise per answer script
- (F) For conducting Practical Examinations Rs. 1 per candidate, per examiner, per subject, subject to a minimum of Rs. 30 per Examiner.
- (G) For translating question papers of both ordinary and new type matter
- (i) For translating printed matter (ordinary) Rs. 10.00 per first full page or less
 - (ii) For additional Full page Rs. 10.00
 - (iii) For additional half page of less Rs. 5.00
 - (iv) For translating printed matter (New type matter) Rs. 20.00 for entire paper
 - (v) For translating only head lines of question paper or certain specific passages of the paper irrespective of the number of pages or text matter of paper Rs. 5.00
- (H) (a) For writing of question paper on Litho plate or Stencil sheet -
- (i) For 2½ hours duration Rs. 15.00
 - (ii) For less than 2½ hours duration Rs. 10.00

TA AND DA

The Examiners (including Paper Setters, Chief, Joint Chief and Deputy Chief and Assistant Examiners) will be eligible for T.A. and D.A. as under :-

..... Mileage	1	2	3	4	5	6
	Railway Fare	Bus Fare	Incidental charges	Daily Allowance	Road	
1.	Persons whose actual pay is Rs. 1,200 or more	Air Conditioned Class or I class	1 1/2 times the fare plus D.A. if the journey is more than 20 miles	Subject to 25 per cent out during emergency 6 paise per only D.A. if it is less	Rs. P. 10-00	0-50 Paise per mile
2.	Persons whose actual pay is Rs. 1000 or more	do	than 20 miles.	do	9-00	do
3.	Persons whose actual pay is Rs. 750 or more	First Class	do	do	7-50	do
4.	Persons whose actual pay is Rs. 300 or more but is less than Rs. 750	do	1 1/2 times bus fare or one full D.A. whichever is more if the journey is less than 20 miles	(-Subject to 25 per 5-50 paise per mile).	0-36 Paise per mile	
5.	Persons whose actual pay is Rs. 150 or more but less than Rs. 300	Class II	do	(-Subject to 25 per cent cut during emergency 0-02 paise per Mile	16 Paise per every Rs. 10 of actual pay or fraction there of subject to a minimum of	25 Paise per Mile

				Rs. 3 for Halts in Bangalore.
6. Persons whose actual pay is more than Rs. 40 but less than Rs. 150	1 ¹ / ₂ times of III Class (Subject to 25% out during emergency)	do	do	18 paise per mile or fraction therefor subject to a minimum of Rs. 2 in Mofussil areas and Rs. 3 in Bangalore
7. Persons whose actual pay is Rs. 40 and below	1 ¹ / ₂ times of III Class (Subject to 25% cut during emergency)			9 Paise per Mile actual pay or fraction therefor subject to a minimum of s. 1-50

- Note :-
1. No incidental charges are admissible for journey by Road.
 2. Road Mileage is admissible only when a certificate as specified in rule 483 (e) of M.C.S. Rs. is recorded in the body of the bill.
 3. The actual pay drawn by the claimant will have to be certified by the Head of the Institution in case of Assistant and by the Higher Authority in case of Heads of Institutions and a certificate to this effect will have to be recorded in the body of the bill; among other certificates required to be recorded. The examiners should invariably quote the number and date of the order of appointment in their remuneration bills.
In respect of journeys performed in public conveyance; vouchers should invariably be enclosed to the T.A. Bill otherwise the rates prescribed by the State Transport Department from time to time will be allowed.

(b) For writing or typing of Model Answers on Stencil sheets	Rs. 15 per model answer
(c) For supply of Stencilled copies of Question paper -	
For 50 copies	Rs. 3.00
For 51 to 100 copies	Rs. 5.00
and for every additional 50 copies or part thereof	Rs. 3.00
Note : Stencil sheet and other stationery articles required to be supplied by the Office.	
(d) For supply of stencilled copies of Model Answers -	
For supplying 25 copies or less	Rs. 3.00
For supplying 51 to 100 and above copies	Rs. 5.00 (subject to a limit of Rs. 5.00 per paper)
Note : Stencil sheets and other stationery articles to be supplied by the Office.	
(I) For verification or re-totalling of Marks	Remuneration structure :-
(1) Officer - 30 paise per answer book.	
(2) Superintendent - 20 paise per answer book	
(3) Clerk - 15 paise per answer book	
(J) For proof readers of Question papers other than in English and Kannada	Rs. 5.00 per paper

(B) Supervisors

The scales of remuneration to Supervisors and other staff at the Examination Center will be as under :

(1) For Chief Superintendents at the Examination Centers :	
At Centers of 200 Candidates or less	Rs. 8.00 per day
At Centers of 201 or more candidates	Rs. 10.00 per day
Note : Remuneration is also payable to the Chief Superintendent one day prior and one day after the Examination	
2. For Assistant Superintendents	Rs. 6.00 per day on the days of Examination
3. For Supervisors	Rs. 5.00 per day of two Sessions. Rs. 3.00 per day of one Session
4. For Believing Supervisors	Rs. 5.00 per day of two Sessions and Rs. 3.00 per day of one session.
(C) Other staff and servants	
(i) For Clerks at the Center	Rs. 1.50 per day
(ii) For Menials	Rs. 1.00 per day per menial
Note - (a) Menials to be engaged as under :	
1. For the first 100 candidates or less	2 peons
2. For every additional hundred or part thereof over Ist 100	One additional Peon
b) Remuneration for clerks and Menials will be paid one day prior and one date after the Examination	
(iii) For Water Boy	Rs. 1.00 per Water boy per day

	for the actual days of Examinations	
Note (1)	One Water boy for the first 100 candidates may be appointed.	
	(2) For every additional 100 or part thereof additional Water boy may be appointed.	
1.	For Supervisors	Same rate as the Examiners
2.	For other Staff	Same note as for the Examiners
(C)	Remuneration for Camp Office and other staff of the Camp Office	
1.	Camp Officer	Rs. 50.00
2.	Clerk	Rs. 20.00
(Two Clerks to be engaged for each Camp)		
3.	Typist	Rs. 20.00 (One for each Camp Office)
4.	Peon	Rs. 15.00 (2 for each Camp Office)
5.	Contingent expenditure	Rs. 100.00 for each camp Office)
(D)	The scale of Remuneration for Tabulators will be as under :	
(i)	Chief Tabulator	Rs. 275-00
(ii)	Joint Chief Tabulator	Rs. 275-00
(iii)	Deputy Chief Tabulator	Rs. 200-00
(iv)	Tabulator	Rs. 175-00
(v)	For writing and dispatching marks cards or cumulative records 5 paise per card and statement	
Note :	1. For a Unit of 30 Tabulators or thereof exceeding 10 Tabulators there shall be one Joint Chief Tabulator and Deputy Chief Tabulator.	
	2. For every 500 Candidates or part thereof One Tabulator may be appointed.	
(vii)	Peon	Rs. 1-00 per Peon per day
Note :	One Peon may be appointed for 30 Tabulators or part thereof for assistance at the Tabulation.	

T.A.ANDD.A.

Same rates of T.A. and D.A. as applicable to the Examiners

II. T.C. HIGHER EXAMINATION

(A) Examiners

1.	For Chairman of the Committee of Paper Setters	Rs. 75-00
2.	For Paper Setter	Rs. 50-00 for full paper Rs. 30-00 for Scrunity of papers
3.	For Examiner Rs. 0-75 (2 Hours paper)	Rs. 1-50 (3 Hours paper)
4.	a) For translation of paper carrying 100 marks	Rs. 10-00
	b) For translation of paper carrying 50 marks	Rs. 5-00
5.	For Examiners of Practical Examination	Rs. 10-00 per day per Examiner
6.	For Chairman of the Committee of Practical Examiners	Rs. 30-00 for the last 100

- candidates
- (Additional for every 100 candidates or part thereof) Rs. 10-00
7. For Chief Examiner Scrutiny fee at half the remuneration admissible for valuation of each answer script
- Note : The Chief Examiner is received to undertake scrutiny at 10 P.C. of the answer Book valued by the Assistant Examiner
8. (a) For stencilling Model Answer to be supplied to Assistant Examiners :
- i. For three Hours paper Rs. 15-00
- ii. For two Hours paper Rs. 10-00
- (b) For supply of stencilled copies :
- i. For the first 50 copies Rs. 3-00
- ii. For 51 to 100 above copies Rs. 5-00 (subject to a limit of Rs. 5-00 per paper).
- a) For retotaling of Marks 1/4th of the Total fee realized may be paid as remuneration to the Officer, Superintendent and Clerk in the proportion of 2 : 1 : 1
- Same rates as for Examiners for S.S.L..C. Examination will be admissible.

(B) Supervisors

1. For Chief Superintendent Rs. 30-00 for a Center having up to 200 candidates
Rs. 10-00 for additional batch of 100 candidates and part thereof.
2. For Supervisors Rs. 4-00 per day of two sessions.
Rs. 2-00 per day of one session

(C) Other Staff and Servants at the Examination Centers

1. For Clerk engaged at the Theory Examination Rs. 1-50 per day per clerk
2. For Clerk engaged at the practical examination Rs. 1-50 per day per clerk
3. Peons engaged at the Theory Examination Rs. 1-00 per day per peon
4. Peons engaged at the practical examination Rs. 1-00 per day per peon
4. Water Boys Rs. 1-00 per water boy per day

for the actual days of the Examination

Note : Remuneration for Clerks and Peons will be paid on day prior and one father the examination.

Same rates of pay bill will be paid to the staff at A, B and C above as admissible for Examiners, Supervisors, etc, for S.S.L.C. Examination

(D) Tabulators

T.C.H. EXAMINATION

- | | |
|--------------------------------|-------------------------|
| 1. For Chief Tabulator | Rs. 275-00 |
| 2. For Deputy Chief Tabulator | Rs. 200-00 |
| 3. For Tabulator | Rs. 175-00 |
| 4. For writing of Certificates | 3 paise per Certificate |

Note : For every 10 Tabulators (or part thereof exceeding 6) one Chief Tabulator may be appointed.

(b) For every 500 candidates or part thereof, one Tabulator may be appointed.

Peons for Tabulation Rs. 1-00 per day per peon on the days of Tabulation work

Note : One peon to be appointed for 30 Tabulators or part thereof.

T.A. and D.A.

Same rates as applicable for Tabulators of S.S.L.C. Examination

ANNEXURE III

RULES AND SCHEME OF THE MYSORE S.S.L.C. EXAMINATION

Examination -

1. A Public Examination shall be conducted at the end of the Higher Secondary X-Standard every year, according to the prescribed syllabus and course of study and shall be called "THE MYSORE SECONDARY SCHOOL LEAVING CERTIFICATE EXAMINATION". The regular Examination shall be conducted generally in March / April and the Supplementary Examination shall be conducted generally in September / October every year.

Centers of Examination

2. The Examination shall be held at such Centers as the Board may from time to time and on such dates as the Secretary of the Board may determine.

Dates of the Examination

3. The main examination shall ordinarily commence in the third week of March and the Supplementary Examination in the third week of September or on such dates as the Secretary of the Board may determine from time to time.

Subjects to be offered for the Examination

4. The Examination shall be conducted in the subjects given under "SUBJECTS FOR STUDY".

(i) Candidates sending application for the Examination for the first time should send

their application for the Examination in all the subjects in the four parts of the Examination Scheme.

(ii) Failed candidates shall be eligible to appear for the Examination in the respective part/s in which they have failed.

Terms

5. The School year shall be divided into two terms. The first term shall extend from the date of reopening of the school after the Summer Vacation to the commencement of the Dasara Holidays and the second term from the date of reopening of the school after Dasara Holidays up to and of February of the following year.

Charge of an annual fee to schools -

6. Every school presenting candidates for the examination shall pay to the Board of Examination Rs. 10-00 per year whether the institution belong to Government, Aided or Board of Management for supply of printed literature to the Schools. This fee may met out of the Contingent Fund of the Schools and remitted into a Government Treasury or Reserve Bank of India on or before 1st August each year and the challan sent.

School candidate

7. Candidates who have completed the courses of study of VIII, IX and X Standards in one or more High / Higher Secondary / Multi-purpose / schools and satisfying the conditions of Attendance, Satisfactory Progress and Good conduct duly certified by the Head of the Institution shall be eligible for admission to the Examination.

Note : The Chairman of the Board may permit such of the candidates, as discontinue their studies at the end of the second term for bone fide reason, either after obtaining transfer certificates or otherwise, to take the Examination as school candidates subject to the conditions that they satisfy other rules governing the school candidates.

8. Candidates appearing for the Mysore S.S.L.C. Public Examination by private study, will be allowed to offer Optional subjects under mentioned) which require systematic practical work provided that he / she produces a certificate from the Head of a recognised Institution that he / she satisfactorily done the Practical work prescribed by the Department.

- (1) Elements of Home Science under Group I
- (2) Science Subjects under Group II
- (3) Technical subjects under Group III
- (4) Agricultural subjects under Group IV
- (5) Typewriting under Group V
- (6) Home Science under Group VI
- (7) Music and Dance under Group VII

Note :

1. Only the Head Master / Misterrs of a recognised school which does have the necessary facilities for imparting practical training in the subject/s and which provides for teaching of these subjects for regular candidates, may issue this certificate in the following form :

"This is to certify that a private candidate for the Mysore S.S.L.C. Examination of has satisfactorily undergone the Practical Training prescribed by the Department in the subject/s under the Group Number in this Institution, which is a recognised Institution

preparing candidates under this group and subject/s for the Mysore S.S.L.C. Public Examination at the end of Higher Secondary X-Standard".

(2) In respect of candidates who have passed the Music Junior / Senior / Proficiency Examinations conducted by the Department, the Heads of Institution may issue the required certificate on the basis of the certificate produced by the Candidates for having passed any of the above examination.

(3) In order to afford necessary facilities to private candidates for doing practical work in the Government and Non-Government Recognised High/ Higher Secondary Schools in the State, each private candidate has to pay Rs. 25-00 to the Heads of Schools (where the candidate is undergoing practical training), who will arrange for practical training one Sundays and Holidays, if necessary, in the Schools Laboratory under the guidance of the Science Teacher or the Practical Instructor.

The fee of Rs. 25-00 collected from each of the private candidates has to be divided as follows and records maintained thereof by the Heads of Institutions :-

- | | |
|---|-------------|
| (a) To be credited to Institution Funds towards cost of equipment, chemicals etc. | 40 per cent |
| (b) For payment to Science Teachers or Practical Instructor concerned | 40 per cent |
| (c) For payment of Science Attenders and other Menials | 20 per cent |

9. All private candidates should get themselves enrolled for admission to the Mysore S.S.L.C. Public Examination after payment of Rs. 2-00 per candidate with an application in the pro forma prescribed by the Department. The Enrolment Certificate shall be enclosed to the application to be sent up for the examination in support of the private candidate.

(a) Private candidate should register their name in a Government / Recognised High / Higher Secondary School having X-Standard, by paying a Registration Fee of Rs. 3-00 each, to defray the administrative expenditure of the School.

Ex-School and Failed candidates should pay Rs. 1-00 only towards the Registration Fee.

(b) All private candidates and regular candidates including Ex-School candidates offering a centre, other than the centre to which his / her school is attached and ex-school candidates sending their applications from a school other than the school in which he / she originally studied should attach three copies of his / her latest photograph of passport size to the application for admission to the Examination.

Note : - Enrolment fee should be credited into the Treasury / Reserve Bank on or before 30th September preceding the Examination to be held in March - April, and 30th April Preceding the Examination to be held in September / October. In case 30th September and - or 30th April are Treasury Reserve Bank Holidays, the Fee should be credited on or before the working days immediately proceeding 30th September and - or 30th April respectively. The Budget Head to which the Fee is to be credited is "XXII Education F.J. Miscellaneous - 2 - Examination Fees".

Procedure for sending up the Application for Enrolment

10. (1) The prescribed Enrolment application can be obtained by the private candidates who come within the purview of Regulations 39 and 40, from the Heads of all full fledged High / Higher Secondary / Multipurpose Schools having X-Standard and Recognised by the Department.

(2) The form duly filled in should be sent through a recognised High / Higher Secondary / Multipurpose School having X-Standard, so as to reach the Secretary, Secondary Education

Board, "Victory Hall", Cubbon Park, Bangalore - 1, within the date prescribed for the purpose.

(3) The application should be accompanied by a Challan for having credited the Enrolment Fee of Rs. 2-00 to the Head "XXII Education F.J. Miscellaneous - 2 - Examination Fees".

(4) In support of the age and date of birth, the candidates who attended a recognised school previously, should attach the Transfer Certificate obtained from the Recognised / Government School attended by him / her (True copies will not be accepted).

In the case of candidates who had no schooling at all one of the following documents as mentioned in the Regulation 43-(2) should be attached :-

Note : Candidates producing Transfer Certificates issued by a School situated outside the Mysore State are required to get the Transfer Certificate countersigned by an Inspecting Officer (of the Education Department of the locality in which the school is situated), who is competent to do so.

Enrolment Certificate will be sent to the concerned School through which the applications were submitted and the candidates have to collect the same from the schools.

No direct correspondence from the candidates in this behalf will be entertained.

Non-admission to the Examination

11. No candidate who has been expelled and is still under rustication shall be admitted to the Examination.

Applications

Applications in the prescribed form for admission to the Public Examination should be sent to the Secretary, Secondary Education Board through the Heads of Instructions in which they last studied in the case of school candidates on or before the date fixed together with the challan or challans for having remitted the examination fees prescribed.

In the case of private candidates, applications should be sent through the Head of a Recognised High School situated near his / her residence within the Town or Taluk.

Private candidates who are Teachers should route their applications through their Inspecting Officers and through a recognised high school.

Note : An Ex-school candidate need not necessarily send the application for admission to the examination through the same school in which he /she originally studied. Such candidates who send their applications through the schools other than they studied previously, should attach three copies of his / her latest photograph of the pass-port size to the application form for admission to the Examination.

Reservation of Examination Fee

12. The Examination fee paid by the candidates who fail to attend the examination on grounds of illness may be reserved for the very next examination only, provided the application for such reservation reaches the Secretary, Secondary Education Board, Bangalore, or the Chief Superintendent of the Examination Center where the candidate was to be examined at least a day before the date of commencement of the examination accompanied by a Medical Certificate in support of the illness issued by a Registered Medical Practitioner. The Chief Superintendent if he receives the application shall submit the same to the Secretary of the Secondary Education Board by name by Registered Post so as to reach him within three days from the date of commencement of the examination. If there is delay on the part of the Chief Superintendent of the Center, the fees be reserved for the next examination and the fee amount be recovered from the Chief Superintendent concerned.

Refund of Examination Fees

13. (A) The examination fee may be refunded in the following cases with a cut of 25 per cent.

(i) Persons who will have remitted the amount and sent up the applications without knowing their eligibility to appear for the examination should apply for refund of examination fees within one month from the last date prescribed for the receipt of applications in the Office of the Secondary Education Examination Board.

(ii) Candidates sent up by the Heads of the Institutions who are found to be deficient in Attendance and their Admission Tickets are withheld for want of Attendance, provided they apply for refund within one month from the date of commencement of the Examination.

(B) The Examination and other fees may be refunded in the following cases with a cut of 50 per cent divided the application is made within one month from the date of remittance.

(i) Excess or double remittance of Examination and other fees.

(ii) Remittance made to Boards Fund by mistake.

(iii) Remittance made by ineligible candidates.

(iv) Remittances made after the expiry of the prescribed dates.

14. In the case of candidates who die before the commencement of the examination the entire fee shall be refunded provided as application for refund is made within three months from the date of conclusion of the Examination. The refund will be made to the Parents or Guardians of the School candidates through the Head of the Institution through which they appeared. In the case of private candidates, the refund will be made to the parents or Guardians mentioned in the applications or legal heirs in the case of Teacher Candidates.

Scope of the Mysore Secondary School Leaving Certificate

15. The Mysore Secondary School Leaving Certificate shall contain the final marks of the candidates as passed by the Board with particulars regarding the candidates, such as his / her name, his / her father's name, date of birth, the subjects studied and whether he / she has been declared passed in part / parts or failed in the Examination.

16. Candidates who obtain 30 per cent marks in Part I (a) and 25 per cent marks in (b) and 35 per cent in aggregate of part I, 35 per cent marks in Part II and 30 per cent marks in each subject of the Part III and IV and 35 per cent marks in aggregate of each of the Parts III and IV, shall be declared to have passed in all the four parts.

Punishments for Malpractices -

16 (A). A candidate securing 50 per cent or more in any subject/s of a part may be exempted at his / her choice, which is irrecoverable from taking the examination in that subject/s. In other subject/s of the part which the candidate offer for the examination, he / she will have to secure a minimum of 30 per cent in each subject. The aggregate of the part should be 35 per cent taking into account the marks obtained in the exempted subject/s at the previous Examination. The exemption earned should hold good only for three years. Such candidates will be eligible for classes and not for Ranks.

Note : Candidates eligible for exemption in any subject/s should claim exemption in the subject/s in the prescribed form of exemption and enclose the same to their applications for admission to the examination. No exemption shall be granted if not claimed in the exemption form.

It should be noted that exemption can be claimed on the most recent performance of the candidate in a subject at the Public Examination i.e. if a candidate obtained 50 marks in General Mathematics at March 1964 Examination but did not claim it for September 1964 Examination and secured 45 marks in that subject at September 1964 Examination, is not eligible to get exemption in General Mathematics for the March 1965 examination.

Under no circumstances will exemption be granted unless claimed a fresh through an exemption form at that Examination.

Exemptions claimed at earlier attempts will not be automatically carried over to the future attempts. They are valid only for the Examination for which claimed.

17. The Mysore Secondary School Leaving Certificate shall be awarded in three classes as shown below:-

Candidates who secure 60 per cent marks and above in each part/s shall be placed in I Class in each part/s, those who secure 50 per cent marks and below 60 per cent marks in each part/s shall be placed in II class in each part/s and the rest who have secured the minimum of 35 per cent marks in part/s shall be declared to have passed in III Class in each part/s.

Publication of results

18. The final results shall be approved and published by the Secondary Education Board ordinarily on 1st June for the Regular Examination and on 31st December for the Supplementary Examination.

19. In any case where it is found that the result of the examination has been affected by error, the Chairman of the Board shall have power to amend such result in such manner as shall be in conformity with the true position and to make such declaration as he may consider necessary in that behalf, provided that no result of such cases shall be amended after the expiry of 60 days.

Note : Under Special circumstances where it is found that the result of the candidates/s has / have been affected by any error other than those stipulated under Rules Nos. 31 and 32, the Chairman shall have the power to amend the result/s in conformity with the true position even after the expiry of sixty days. Details of such cases have to be reported to Government for information.

Retotaling of marks

21. (i) Applications for revaluation of answer scripts will not be entertained.

(ii) However, a candidate may apply within 30 days from the date of publication of the results to the Secretary, Secondary Education Examination Board, for retotaling for marks in any subject / subjects on payment of Rs. 5.00 per subject up to a maximum of Rs. 20.00 for all the subjects.

(iii) If as a result of retotaling of marks, there is either an omission to examine and mark any answer or answers and / or a mistake in the totalling of marks, the fee paid for retotaling shall be refunded to the candidates (deducting the amount of expenditure incurred on correspondance).

(vi) If, on retotaling of marks in part / parts, a failed candidate is found to have passed or vice-versa in part/parts as the case may be, the correct result shall be announced in conformity with the correct position.

Award of supplementary certificates

22. Candidates who have successfully passed the Mysore S.S.L.C. Public Examination in full, shall be eligible within tow years to appear for the Examination by private study or as a school candidate, in part or parts in which he / she has already passed, with a view to obtaining Supplementary Certificate with the same subject/ subjects already offered, on the previous occasions or with changed subjects under languages and electives, provided the candidates offering the Elective Group such as science, Technical, Agriculture, Home Science for Fine Arts Group, produces a certificate from the Head of a recognised institution to the effect that the candidate has undergone systematic and satisfactory practical work in the subject/ subjects prescribed by the Department. The original result n the subject/ subjects so offered will continue to remain unaltered even if his performance in the subsequent attempts is poorer than in the original attempt.

Note : This concession contemplated under this Rule is applicable only to candidates who have passed the S.S.L.C. Examination under the New Scheme in full (i.e. passed in all four part) and not to those who have passed the S.S.L.C. Examination in parts, or those who have passed any other Examinations either equivalent to, or higher than the said Examination.

Issue of Migration Certificate

23. The candidates who have successfully completed the Mysore S.S.L.C. Public Examination at the end of the Higher Secondary X-Standard and wish to prosecute higher studies in Universities outside the Mysore State, will be issued Migration Certificate on payment of Rs. 5-00 for each such certificate.

24. The candidates found guilty shall be punished as shown below for malpractices resorted to by them in connection with the examination. For any other type of malpractices not mentioned below, the Chairman of the Board shall have the power to impose such penalty as he deems fit.

Nature of Malpractice	Punishments
1. Possession of a manuscript or literature in the examination hall by a candidate, not relating to the subject or examination.	A severe warning be given by the Chief Superintendent of the Center.
2. Possession of a manuscript or literature in the examination hall relating to the subject of examination by a candidate.	To be sent out of the examination hall and not to be admitted on subsequent days.
3. Copying from manuscript, books or notes or from answer book of a neighbour.	To be sent out of the examination hall and debarred from taking two examinations including the one in which he / she commits the malpractice.
4. Communicating in the examination hall by gestures and conversation with the intention of committing malpractice.	To be sent of the examination hall and not be allowed to take the examination or subsequent days and debarred from that examination.
5. Serious misbehaviour on the part of the candidate in the examination hall or in the examination center.	The candidate shall be sent out of the examination hall or shall not be admitted to the examination hall on that day, and should not be admitted or the subsequent days of the examination.
6. Manhandling or resorting to any other kind of violence on the part of the candidate with any of the staff connected with examination at the examination center.	Such a candidate be debarred from taking examination for three years i.e. six examination including the one in which he / she resorts to manhandling of the staff.
7. Tempering with the entry of the date of Birth, Name, Marks etc., in the S.S.L.C. or other certificates issued by the Board.	Withdrawing the Certificate for two years or to recommend disciplinary action against the candidate to the concerned authority, if he is employed or admitted to an educational institution.
8. Tampering with the Reg. No., Name, etc. in the Admission Ticket	Such candidate be debarred from taking TWO examinations including the one for

issued by the Board with the intention of committing malpractice.	which he had tampered the Admission Ticket.
9. Communicating the examiner through the answer book or otherwise.	Warning to be issued by the Secondary Education Examination.
10. Impersonation at the Examination.	Such a candidate on whose behalf impersonation is made may be debarred from taking the examination for THREE years i.e. SIX examinations. The Chief Superintendent of the concerned centre should lodge a Police complaint against the person who impersonates.
11. Attaching currency note / notes in the answer books.	Such a candidate be debarred for one examination i.e. the one he / she has taken.
12. Tampering with the answer books of the other candidates in the examination.	Such candidates be debarred for TWO examinations including the one in which he / she commits this malpractice.
13. Furnishing false information in the application form, etc.	Rejection of the candidature, if found, before / at the time of examination. If found after the examination, action will be taken according to Rules 18, 19 and 20.
14. Attempts to sent out or take out of the examination room blank answer books or additional sheets or question papers and to receive the answer books or sheets from outside the examination room with the object of inserting them in the candidate's answer book.	Such candidates should be sent out immediately and not allowed to take the examination on subsequent days. He / She should be debarred from taking two examinations including the one in which he / she commits the malpractice.
15. Appealing and promising to offer illegal gratification to Examiners.	Such candidates should be debarred for one examination i.e. the examination the candidate has appeared.
16. Tampering with the entries in the record attached to the applications for admission to the S.S.L.C. and other Public Examinations conducted by the Office of the Secondary Education Examination Board.	Such candidates should be debarred from taking TWO examinations including the one to which the candidate sought admission by producing records containing entries tempared with and attached to the applications nor admission to the S.S.L.C. and other Public Examinations conducted by the Secondary Education Examination Board.

**RULES FOR CHANGE OF LANGUAGES UNDER PART I AND ELECTIVES
UNDER PART IV**

25. (1) These Rules apply only to those candidates who had appeared once for the Mysore S.S.L.C. Examination and who have failed therein and intend to appear subsequently with the changed Language or Electives.

(2) Change of Languages / Elective is permitted only for the main Examinations to be conducted in March / April and not for supplementary examinations.

(3) Candidates desirous of changing their Elective under Part IV, to subjects where Practical Work is involved, should produce a Certificate from the Head of a Government / Recognised High / Higher Secondary School, to be effect that they have undergone adequate training in Laboratory or Practical work in the Government / Recognised School where there is provision for teaching the subject.

(4) Applications should be submitted to the Secretary, Secondary Education Board, "Victory Hall", Cubbon Park, Bangalore - 1, in the prescribed form.

(5) A fee of Rs. 2.00 for each change either in Language Group or Elective Group should be paid to the Board's fund on or before 15th July preceding the Examinations.

(6) Applications in the prescribed form accompanied by the Challan should reach the Secretary, Secondary Education Board, Bangalore not later than 15th July, preceding the Examination to be held in March / April.

(7) Belated applications are liable to be rejected. In exceptional cases, the chairman, of the Board is empowered to permit the change even after the due date for valid reasons.

(8) Separate applications are to be submitted for change of Languages and / or Electives.

**THE KARNATAKA SECONDARY EDUCATION EXAMINATION BOARD
(AMENDMENT) FIRST REGULATIONS, 1999**

In exercise of the powers conferred by Section 28 read with Section 26 of the Karnataka Secondary Education Examination Board Act, 1966 (Karnataka Act 16 of 1966) the Government of Karnataka hereby makes the following regulations, to amend the Karnataka Secondary Education Examination Board first Regulations, 1966, namely:-

1. Title, Commencement and Application :- (1) These regulations may be called the **Karnataka Secondary Education Examination Board (Amendment) First Regulations, 1999.**

(2) They shall come into force at once.

2. Insertion of new regulation : After Regulation 50, the following shall be *inserted*, namely :-

“50-A. Revaluation of answer scripts : (1) Any candidate may within such time as may be specified by the Board apply in such form as may be specified for supply of photocopy of answer scripts on subjects specified by the Government after paying fee as specified in Annexure VI-A. The Board shall furnish photocopy at such place and on such date as may be specified by it.

(2) The Board shall by notification announce the date, time and place for submitting application in such form as may be specified for revaluation of answer scripts and also the date of declaration of revaluation. Any candidate who is not satisfied with the valuation made, on the basis of the photocopy of the answer scripts supplied, may apply for revaluation on payment of such fee specified in Annexure VI-A to be paid along with the application for revaluation.

(3) The application submitted by the candidate for revaluation shall be referred to a Committee of three examiners appointed by the Board for the purpose of revaluation. The place, time and date of revaluation, Fresh marks cards shall be issued for an addition of one or more marks or if there is reduction of six or more marks.

(5) Revaluation shall be final and there shall be no appeal or review against such revaluation.

ANNEXURE VI-A

[See Regulation 50-A]

- | | |
|---|-------------|
| 1. Fee for obtaining zerox copy of Mathematics paper (Inclusive of application fee) | Rs. 150-00 |
| 2. Fee for Revaluation of the Mathematics answer paper | Rs. 450-00' |

**THE MYSORE SECONDARY EDUCATION
EXAMINATION BOARD**

FIRST BYE-LAWS 1966

**CHAPTER I
PRELIMINARY**

Bye-law

1. Title
2. Definitions

**CHAPTER II
PROCEDURE TO BE FOLLOWED AT THE MEETINGS OF THE BOARD**

3. Procedure to be followed at the meetings of the Board
4. Proposal to be brought forward after consideration by committee
5. Quorum
6. Procedure to be adopted at the meeting.
7. Method of deciding questions.
8. Method of voting
9. Chairman's decision regarding decision on questions.
10. Procedure where voting is by ballot.

**CHAPTER III
PROCEDURE TO BE FOLLOWED AT MEETINGS OF COMMITTEES**

11. Notice of meetings of Committees.
12. Sittings of Committees.
13. Chairman and Secretaries of Committees.
14. Presiding Officer during the absence of Chairman.
15. Quorum for meetings of Committees.
16. Procedure when there is no quorum.
17. Method of deciding questions at a meeting of a Committee.
18. Chairman to exercise a casting vote.
19. Record of decisions.

**CHAPTER IV
TRAVELLING ALLOWANCES AND OTHER ALLOWANCES TO BE DRAWN BY**

MEMBERS OF THE BOARD AND ITS COMMITTEES.

20. Travelling Allowance and other allowances admissible to members of the Board and its Committees.
21. Allowances admissible to associated or co-opted members.

CHAPTER V.

MANNER OF APPOINTMENT OF MEMBERS OF OTHER COMMITTEES

22. Manner of appointment of members of other Committees.

EDUCATION SECRETARIAT

NOTIFICATION

Bangalore dated the 6th August 1966

G.S.R. 1083 - In exercise of the powers conferred by Section 28 read with Section 31 of the Mysore Secondary Education Examination Board Act, 1966 (Mysore Act 16 of 1966) the Government of Mysore hereby makes the following bye-laws, namely :-

CHAPTER I

PRELIMINARY

1. Title - These bye-laws may be called the Mysore Secondary Education Examination Board First Bye-laws 1966.

2. Definitions - In these bye-laws -

- (1) 'Act' means the Mysore Secondary Education Examination Board Act, 1966;
- (2) 'Committee' means a Committee other than the Examiners' Committee, appointed under the act; and
- (3) "Section" means a section of the Act.

CHAPTER II

PROCEDURE TO BE FOLLOWED AT THE MEETINGS OF THE BOARD

3. Procedure to be followed at the meetings of the Board - The Secretary shall give the clear days' notice of every meeting to the members and shall forward with the notice an agenda paper containing the business to be transacted at the meeting. The Chairman may place before the meeting any urgent item not included in the agenda.

4. Proposals to be brought forward after consideration by the Committee : No member of the Board shall be allowed to bring before the Board any proposal which has not been previously considered by an appropriate Committee or Committees of the Board.

Provided however, if a period of two months has expired from the date on which notice of such proposal was given by the member to the Secretary, the member concerned may be permitted to bring such proposals directly before the Board even though it may not have been

previously considered by the Committee or Committees concerned :

Provided further, that the Chairman may bring before the Board without first placing before the appropriate committee or Committees, any proposal suggested by a member of the Board, which for want of time cannot be placed before the appropriate Committee or Committees and which is considered by the Chairman to be of an urgent nature.

5. Quorum - Fifteen members of the Board shall form a quorum for the transaction of business.

6. Procedure to be adopted at the meeting - If at any meeting, the number of members required to form a quorum is not present, the Chairman shall adjourn the meeting to a subsequent date. The Secretary shall give fresh notice of five clear days indicating the date and time of the adjourned meeting and the business which should have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting provided that not less than ten members are present at such meeting.

7. Method of deciding questions - All questions before the Board shall be decided by a majority of the votes of the members present and voting. In cases of equality of votes, the Chairman shall have and exercise a second or a casting vote.

8. Method of voting - The voting shall be by show of hands, but the Board may resolve that any question or questions shall be decided by ballot.

9. Chairman's decision regarding decision on questions - Except when voting is demanded by ballot, a declaration by the presiding officer at such meeting that a proposition has been carried or lost shall be conclusive evidence of the fact of such proposition having been adopted or negative, as the case may be.

10. Procedure where voting is by ballot - If the voting as aforesaid is demanded, the votes of all the members present who desire to vote shall be taken under the direction of the presiding officer at the meeting and the result of the voting shall be deemed to be the decision of the Board at such meeting.

CHAPTER III

PROCEDURE TO BE FOLLOWED AT MEETINGS OF COMMITTEES

11. Notice of meeting of Committees - The Secretary shall give three clear days' notice of every meeting of a committee to the members and shall forward with the notice an agenda paper containing the business to be transacted at the meeting. The Chairman may place before the meeting any urgent item of business not included in the agenda.

12. Sittings of Committees - The sittings of a Committee shall be held on such days and at such hour as the Chairman of the Committee may fix.

13. Chairman and Secretaries of Committees - The Chairman shall be the ex-officio Chairman and the Secretary shall be the ex-officio Secretary of every committee.

14. Presiding Officer during the absence of Chairman - If the Chairman is for any reason unable to be present at a meeting of :

(i) a Committee other than the Appointment Committee, the Vice-Chairman if he is a member, and in the absence of the Vice-Chairman, such member elected from among the members present at such meeting shall preside over the meeting;

(ii) the Appointment Committee, the Vice-Chairman shall preside at such meeting.

15. Quorum for meetings of Committees - The majority of the total number of members of a committee shall be the quorum to constitute a meeting of a committee.

16. Procedure when there is no quorum - If at a sitting of a Committee there is no quorum, the Chairman or the person presiding shall suspend the sitting until there is quorum, or adjourn the meeting to a future date and the business to be transacted at such adjourned meeting shall be that left undecide at the meeting for which notice of such business had been given earlier.

17. Method of deciding questions at a meeting of a Committee - All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting.

18. Chairman to exercise a casting vote - In case of an equality of votes on any mater, the Chairman or person presiding shall have and exercise a second or casting vote.

19. Record of decisions - A record of the decision of a Committee shall be maintained and circulated to the members of the committee by the Secretary under the direction of the Chairman.

CHAPTER IV

TRAVELLING ALLOWANCES AND OTHER ALLOWANCES TO BE DRAWN BY MEMBERS OF THE BOARD AND ITS COMMITTEES

20. Travelling Allowance and other allowances admissible to members of the Board and its Committees - (1) Members of the Board or any of its Committees who are not in the service of the State Government may draw travelling allowance and other allowances for attending meetings with the following provisions, namely :-

Rates of Travelling Allowance to Members who are not in the Service of the State Government

1. Railway fare	Ist Class
2. Bus fare	1 1/2 times Bus fare plus one daily allowance
3. Incidental charges for Railway journey	6 paise per mile
4. Road mileage	50 paise per mile

5. Daily allowance Rs. 10 per day (within the State) (Sitting fees of Rs. 10 (Rupees ten only) wherever permissible will be allowed in lieu of D.A.)

Note : - 1. Road mileage is admissible on routes where public conveyance are not plying.

2. 1/2 Daily Allowance is admissible on the day of arrival at a place outside Headquarters and also on the day of departure from the place out of Headquarters provided no 1/2 D.A. is admissible if the date of arrival and departure happen to be on same day.

(2) Members of the Board or any of its committees who are in the service of the State Government shall draw travelling allowance and other allowances for attending with the provisions of the Mysore Civil Service Rules for the time being in force applicable to similar class of State Government servants.

21. Allowances admissible to associated or co-opted members - The provisions of bye-law 20 shall mutatis mutandis be applicable to the travelling allowance and other allowances payable to persons associated with the Board or co-opted by the Board to committees under sub-sections (1) and (2) of Section 14.

CHAPTER V
MANNER OF APPOINTMENT OF MEMBERS OF
OTHER COMMITTEES

22. Manner of appointment of members of other Committees - The appointment of members to committees other than the Appointment Committee and the "Examiners" Committee to be constituted by the Board shall be by election from amongst the members of the board of persons who are not disqualified under the Act from being members and possess the qualifications if any, required for being members of such committees and such election shall be held in accordance with the following provisions :-

(i) The Secretary shall call for nominations for election to each Committee, in the form given in the Annexure to these bye-laws not later than three weeks before the date of the meeting at which the election is to take place.

(ii) Every nomination must be duly proposed by a member of the Board other than the candidate himself and seconded by any other member other than the proposer and should bear the signature of the proposer and the seconder. The consent of the candidate may be given either in the nomination paper or in a separate letter, if the candidate so chooses.

(iii) The nomination paper and the letter of consent should reach the Secretary not later than one week before the date of the meeting of the Board at which the election to the Committee concerned is to be held.

(iv) A candidate nominated for election may withdraw from the contest at any time before the hour fixed for the meeting at which the election is to be held.

(v) If the number of candidates nominated is equal to or less than the number of persons to be elected, the candidates so nominated shall be declared at the meeting to be duly elected.

(vi) If the number of persons nominated exceeds the number of persons to be elected to any committee, the election shall take place at the meeting of the Board. Each member of the Board shall have as many votes as there are seats to be filled by election, but no member shall give more than one vote to any one candidate, and such number of persons equal to the number of candidates to be elected who secure the highest number of votes shall be declared elected. The Chairman shall appoint scrutineers to count the votes and declare the results on the reports of the scrutineers so appointed.

(vii) If no person is nominated as a candidate for election, or where the number of nominations received is less than the number of candidates required to be elected such number of candidates equal to the number which falls short of the total number of members to be elected, shall be elected after calling for nomination in accordance with paragraph (i) and the procedure laid down in paragraph (ii) to (vi) of the bye-law shall mutatis mutandis apply for such election.

(viii) If the number of members elected falls short of the number of members of the committee, then after holding the election in accordance with the preceding paragraph, the Board may co-opt such number of persons possessing the required qualification as is equal to the number required to make up the total number of members of the Committee.

ANNEXURE

(See bye-law 22)

Election to the of the Mysore Secondary Education Board.

Form of Nomination

- (1) (2)
1. Name of the candidate in full and his residential address
 2. Name of the proposer in full
 3. Name of the seconder in full
 4. Signature of the proposer
 5. Signature of the seconder
 6. Whether the candidate is an ex-officio member, an elected member or a nominated member, of the Board?

Declaration by the Candidate.

I hereby declare that

(a) I am not disqualified for being elected as a member of the

(b) I am qualified for election to the

(c) I consent to this nomination/*I have given my consent to the nomination which I have communicated in a separate letter to the Secretary

Place :

Signature of the Candidate

Date :

N.B.- Attention is invited to the following bye-law-

Bye-law 22.-

(ii) Every nomination must be duly proposed by a member of the Board other than the candidate himself and seconded by any member other than the proposer and should bear the signature of the proposer and the seconder. The consent of the candidate may be given either in the nomination paper or in a separate letter, if the candidate so desires.

(iii) Such nomination and the letter of consent should reach the Secretary not later than one week before the date of the meeting of the Board at which the election to the Committee concerned is to be held.

*Strike off the inappropriate alternative.

[No. ED 74 SXM 66. (ii)]

By order and in the name of the Governor of Mysore
B.R. Verma, Secretary.

**THE DISTRICT LEVEL VII STANDARD
PUBLIC EXAMINATION
RULES. 1997**

No. ED 235 PGC 96, Bangalore, Dated 17th March 1997.

EDUCATION SECRETARIAT

NOTIFICATION

Whereas the draft of the District Level VII Standard Public Examination Rules, 1997 was published in Notification No. ED 235 PGC 96, dated 7th February, 1997 in Part-IV, Section 2C(i) of the Karnataka Gazette Extraordinary dated 7th February, 1997, inviting objections and suggestions from the persons likely to be affected thereby;

Whereas the said Gazette was made available to the public on 7th February, 1997.

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

Now, therefore, in exercise of the powers conferred by the sub-section (2) of section 22 and read with 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, Commencement and Application.-

- (1) These rules may be called the District Level VII Standard Public Examination Rules, 1997.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall apply to the Primary VII Standard Public Examination.

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

- (1) "Annexure" means annexure to these rules ;
- (2) "Commissioner" means the Commissioner for Public Instruction;
- (3) "Director" means the Director of Public Instruction, Primary Education or the Director of Public Instruction (DSERT) as the case may be.
- (4) "Examination Centre" means any educational institution chosen by the Director for the conduct of VII Standard District Level Public Examination.
- (5) "Examiner" includes the question paper setter, the Chief Examiner. Deputy and Assistant Examiners connected with the examination;
- (6) "Guidelines" means the Guidelines and instructions contained in the hand book "Guidelines and Instructions for the conduct of District Level VII Standard Public Examination" issued under rule 16 and includes such other directions as the Competent Authority may issue from time to time ;
- (7) "Government" means the Government of Karnataka;
- (8) "Near Relative" includes son, grandson, daughter, grand daughter, brother, sister,

husband, wife, brother's son, brother's daughter, sister's son, sister's daughter, son-in-law and daughter-in-law.

- (9) "Physically Handicapped" means all blind or handicapped candidates who have more than 60 per cent of debility as certified by the District Surgeon or any appropriate authority specified by the Director or Government from time to time.
- (10) "Primary Education" means education in classes from I to VII, with 1 to 4 classes as lower primary education and 5 to 7 classes as upper primary education.
- (11) "Primary School" means and includes all educational institutions which are run or aided by the Government or recognised by the Government and are imparting primary education upto VII Standard or the institution where it is proposed to conduct the examinations.
- (12) "Public Examination" means the VII Standard District Level Public Examination.
- (13) "Secretary" means the authority authorised to assist the Competent Authority in the day today work connected with the conduct of VII Standard Public Examination.
- (14) "Writer" means a person appointed under rule 12 to assist a candidate who is physically handicapped to write the examination.

3. Holding the examination.-

- (1) A District Level Public Examination shall be conducted for Primary VII Standard at the end of each academic year according to the syllabus and course of study specified from time to time by the Department for the VII Standard Examination.
- (2) Notwithstanding anything contained in sub-rule (1), the Department may make orders.-
 - (a) for holding the examination during such other period of the year and on such dates and time as it may deem fit; or
 - (b) for holding special examination when so required and on such dates and time as it may deem fit.

4. Centre of examination.- The examination shall be conducted at such centres as may be determined by the Competent Authority or to be located in an institution or in any other building as it deems fit after taking into consideration, the facilities available and the desirability or otherwise of location a centre of examination at a particular institution.

5. Eligibility of candidates.- A person unless he is not debarred for any term from appearing for examination for malpractice, shall be eligible to appear for the examination either as regular candidate or as a private candidate, if -

- (a) he has attained the age of 11 years and 9 months as on the first day of March of the academic year:
Provided that age limit shall be extended up to two years in the case of persons who are physically handicapped.
- (b) he has completed the prescribed course of study putting in the prescribed minimum attendance.
- (c) has submitted the application duly filled in with all particulars and correct address

within the due date and he has also paid the prescribed fee ; and

(d) in the case of a regular candidate, his progress and conduct are certified to be satisfactory by the head of the institution concerned.

6. Examination fees.- The examination and other fees to be paid by the candidates shall be as may be notified by the competent authority from time to time.

7. Payment of fees.- The examination and other fees shall be paid in cash by the candidates to the Head of the Institution through which he sends his application for examination. Under no circumstances shall the application for examination and related fee be sent directly to the Secretary.

8. Centre of examination.-

(1) All the regular candidates and repeaters are required to send their application for examination through the institution in which they have last studied, if it is made a centre or at the centre to which that institution is attached. Private candidates may send their application through any primary school.

(2) Change of centre shall not ordinarily be permitted. In exceptional cases changes of centre may be permitted subject to the following.-

(a) The candidate shall at least six weeks prior to the date of commencement of examination file an application furnishing his reasons for seeking the change and submitted to the Secretary through the Head of the Institution along with the specified fee.

(b) It shall be within the discretion of the competent authority either to grant or refuse permission for change of centre and his decision shall be final;

Provided that permission shall not be refused unless an opportunity of being heard is given to such candidate.

9. Issue of Admission Tickets.-

(1) In respect of every candidate who has validly applied for admission to the examination and included in the nominal rolls submitted by the institution, the Secretary shall after satisfying himself about the eligibility of the candidate for admission Issue or direct the authority authorised by him to issue an admission ticket to the candidate through the Head of the Institution.

In the case of candidate who has been permitted a change of centre, the admission ticket shall be sent by the Secretary directly to the candidate at the address given by him.

(2) In case of loss of Admission Ticket duplicate Admission ticket shall be issued by the Head of the Institution through which the candidate has sent the application form, on payment of such fee as may specified by the competent authority.

10. Chief Superintendent.- Without prejudice to the power of the Secretary to appoint a suitable person to be the Chief Superintendent, the Head of the Institution where the Centre of examination is located shall generally be appointed as the Chief Superintendent of the Centre of examination. The Chief Superintendent shall be in full and complete charge of the Centre of Examination and shall be responsible to collect the question

papers from the distribution centres as per procedures laid down in the instructions and for custody thereof until the completion of the examinations. He shall also be responsible for the custody and disposal of blank and written answer books as enumerated in the instructions.

- 11. Appointment of Supervisory Staff.-** Such number or supervisory staff at each examination centres shall be appointed by the Chief Superintendent of the concerned centre of examination. This shall be done well in advance based on the requirement of each centre and in accordance with the instructions issued from time to time by the Department.
- 12. Writers to assist physically Handicapped Candidates.-** In the case of a physically handicapped person who has applied sufficiently in advance to the Chief Superintendent at the examination centre concerned, along with the Medical Certificate of his such physical handicap and the prescribed fee, for permitting him to write examination by a writer, the Chief Superintendent shall after being satisfied of such handicap, appoint a person.-
 - (a) who is not a close relative of the candidate ; and
 - (b) whose educational qualification is below the standard of examination for which he is appointed to be the writer.
- 13. Qualification of Paper Setters of Chief Examiners.-** Teachers who have experience of teaching in a particular subject for the VII Standard in a primary school for not less than ten years alone shall be eligible to be appointed as paper setters or chief examiners in that subject.
- 14. Qualification of Examiners.-**
 - (1) No person shall be appointed as Examiner for valuing the answer script of the examination unless he has put in not less than five years of service and has taught the subject of VII Standard for not less than three years.
 - (2) Person to be appointed as Examiner shall ordinarily be irne on the establishment of any of recognised institutions at ie day of such appointment.
- 15. Disqualifications for Supervisory Staff, Examiners etc.-** A person shall be disqualified for being appointed as Chief Superintendent, Examiner or other supervisory staff if,-
 - (i) any near relative of his is taking the examination as a candidate at the centre of examination to which he is appointed.
 - (ii) he has been debarred from the examination work or his name has been ordered to be removed from the list of Examiners of supervisory staff, as the case may be for misconduct or negligence or abuse of authority for any specific period.
 - (iii) he has been otherwise disqualified for such appointment by the competent authority or any other validly constituted examination body.
- 16. Guidelines and Instructions for the Conduct of Examination.-**
 - (1) The competent authority shall, without prejudice the generality of his power to issue general or specific directions in the matter of conduct of examination, formulate and bring out in time, a hand book of to be called “guidelines and instructions for

the conduct of the district level VII standard public examination”, containing detailed instructions for conduct of examination addressed to all categories of staff enumerated for examination work, including the Chief Examiner, Chief Superintendents, Supervisory staff and staff provided for tabulation and consolidation of marks.

- (2) The guidelines shall among other things provide for,-
 - (a) the duties and responsibilities of each such category of staff, as would ensure the smooth conduct of the examination;
 - (b) the staff pattern and at each centre or examination;
 - (c) Scales of remuneration for the different categories of staff; and
 - (d) detailed procedure for each category of work of the conduct of the examination including custody of question papers, blank and written answer books, collection and dispatch of written answer books and tabulation and consolidation of marks, declaration of results, issue of marks cards, re-totalling of marks etc., as provided in these rules.

17. Obligation of Chief Superintendents, Examiners and other Supervisory Staff.- It shall be obligatory for all Examination Staff including the Chief Superintendents, Examiners and other Supervisory Staff, to follow the instructions laid down in the guidelines and to extend full co-operation to the competent authority in the smooth conduct of the examination.

18. Declaration of Result.-

- (1) The result of the examination shall be declared and published in such manner, on such dates, and at such time and places and through such media as may be decided by the Department.
- (2) However, the result of the candidates involved in malpractices shall be withheld and their result shall be announced only after competent authority taken a decision in such case.

19. Issue of marks statements or certificates.- The Secretary shall issue the statement of marks or certificate to every candidate as per the provisions made in the guidelines. He may on an application either by a candidate or by a parent or guardian of such candidates and on payment of such fees as may be specified, issue duplicate statement of marks or certificate.

20. Revaluation of Answer Scripts.-Under no circumstances revaluation of answer scripts will be permitted under these rules.

21. Re-totalling of marks totals.-

- (1) Any candidate who desires to have a re-totalling of his marks in any subject or the total of marks of all the subjects may apply within thirty days from the date of publication of the results of the examination in which he appeared as a candidate alongwith of such fee as may be specified. No application received after the due date shall be considered.
- (2) An application for re-totalling of marks shall contain the details regarding,

- (i) name and full postal address (in Block letters) of the candidate.
 - (ii) register number of the candidate ;
 - (iii) name, year and month of the examination;
 - (iv) the centre at which he took the examination ;
 - (v) name of the subject / subjects in which he desires re-totalling of marks / totals, and
 - (vi) the amount he has remitted.
- (3) Application not containing the details specified in the sub-rule (2) shall be rejected.
- (4) If on re-totalling of marks in a subject or subjects a failed candidate is found to have passed or vice versa in any subject or subjects, as the case may be, the corrected result shall be announced by the Secretary in conformity with the correct position in modification of the earlier result pertaining to the candidate. However, the candidate concerned shall be informed about the result or re-totalling. Necessary modification shall also be effected in all the concerned records by the Secretary. The modified results of the candidates if any shall be intimated to the head of the institution of which he studied last.
- (5) The fee once paid towards re-totalling by the candidate shall not be refunded.
- (6) Procedure for re-totalling of marks shall be as specified in the guidelines.

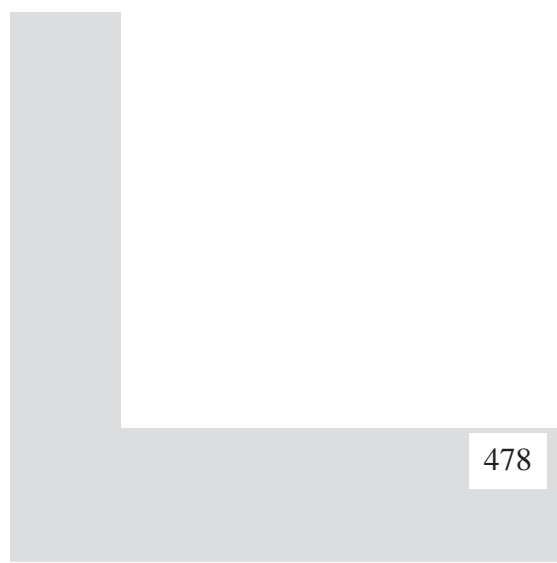
22. Appointment of Vigilance Sitting Squads.- Competent authority shall have the powers to constitute mobile or sitting vigilance squad to assist him in the smooth and efficient conduct of examination.

23. Camp Officers or Distribution Centres.- The competent authority or a person authorised by him shall have powers to appoint such number of officers and the staff as may be necessary for the camp officers distribution centres for the purpose of,

- (i) Storing and distribution of question papers; and
- (ii) Storing and Central valuation of answer scripts.

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

V. JAGADEESHAIAH,
Under Secretary to Government,
Education Department.



ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸವ್ಯಶಾಸನ 112 ರಾಶಾಪ್ತ 2000 (ಭಾಗ), ಬೆಂಗಳೂರು,
ದಿನಾಂಕ : 5ನೇ ಮಾರ್ಚ್ 2002

The translation in the Kannada language of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) be published in the Karnataka Gazette for General Information.

The following translation of the ಕರ್ನಾಟಕ ಶಿಕ್ಷಣ ಅಧಿನಿಯಮ, 1983 (1995 ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 1) is published in the Official Gazette under the authority of the Governor of Karnataka under clause (ii) of section 5A of the Official Language Act, 1963 (Karnataka Act 26 of 1963).

[1995ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 1]

(1995ರ ಜನವರಿ ಇಪ್ಪತ್ತನೇ ದಿನದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಯಿತು)

ಕರ್ನಾಟಕ ಶಿಕ್ಷಣ ಅಧಿನಿಯಮ, 1983

(1993 ಅಕ್ಟೋಬರ್ ಇಪ್ಪತ್ತನೇ ದಿನದಂದು ರಾಷ್ಟ್ರಪತಿಯವರ ಅನುಮತಿ ಪಡೆದಿದೆ.)

(1998ರ ಅಧಿನಿಯಮ 8ರ ಮೂಲಕ ತಿದ್ದುಪಡಿ ಮಾಡಲಾಗಿದೆ.)

ರಾಜ್ಯದಲ್ಲಿರುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳನ್ನು ಇನ್ನಷ್ಟು ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ಸಂಘಟಿಸುವ, ಅಭಿವೃದ್ಧಿಪಡಿಸುವ ಮತ್ತು ಸ್ಥಿತಿಗೆ ಹಾಗೂ ನಿಯಂತ್ರಣಕ್ಕೆ ಒಳಪಡಿಸುವ ಸಲುವಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸುವ ಅಧಿನಿಯಮ.

ವಿದ್ಯಾರ್ಥಿಗಳ ಬೌದ್ಧಿಕ ಮತ್ತು ದೈಹಿಕ ಸಾಮರ್ಥ್ಯಗಳ ಸಮರಸ ಬೆಳವಣಿಗೆಗೆ ಪ್ರೋತ್ಸಾಹ ನೀಡುವ ಮತ್ತು ಶಿಕ್ಷಣದ ಮೂಲಕ ವೈಜ್ಞಾನಿಕ ದೃಷ್ಟಿಕೋನವನ್ನು ಹಾಗೂ ಸರ್ವ ಧರ್ಮ ಸಮಭಾರವನ್ನು ಬೆಳೆಸುವ ಉದ್ದೇಶದಿಂದ ರಾಜ್ಯದಲ್ಲಿರುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಅಭಿವೃದ್ಧಿ.

1. ಕರ್ನಾಟಕ ವಿಶೇಷ ರಾಜ್ಯಪತ್ರ ಭಾಗ IV ವಿಭಾಗ 2ರ ಸಂಖ್ಯೆ 41 ದಿನಾಂಕ 20-1-1995ರಲ್ಲಿ ಪ್ರಕಟವಾಗಿದೆ.
2. ಕರ್ನಾಟಕ ವಿಶೇಷ ರಾಜ್ಯಪತ್ರ ಭಾಗ IV ವಿಭಾಗ 2 ಬಿ ಸಂಖ್ಯೆ 403 ದಿನಾಂಕ 11-4-1998ರಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ.

ಆರೋಗ್ಯಕರ ಶಿಕ್ಷಣ ಪದ್ಧತಿಗಳ ಅಳವಡಿಕೆ, ಶೈಕ್ಷಣಿಕ ಗುಣಮಟ್ಟದ ನಿರ್ವಹಣೆ ಮತ್ತು ಸುಧಾರಣೆ - ಇವುಗಳ ಬಗ್ಗೆ ಮತ್ತು ರಾಜ್ಯದಲ್ಲಿರುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳನ್ನು ಇನ್ನಷ್ಟು ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ಸಂಘಟಿಸುವ, ಅಭಿವೃದ್ಧಿಪಡಿಸುವ ಮತ್ತು ಶಿಸ್ತಿಗೆ ಹಾಗೂ ನಿಯಂತ್ರಣಕ್ಕೆ ಒಳಪಡಿಸುವ ಬಗ್ಗೆ ಉಪಬಂಧನಗಳನ್ನು ಕಲ್ಪಿಸುವುದು ಅವಶ್ಯವೆಂದು ಪರಿಗಣಿಸಿರುವುದರಿಂದ;

ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತನಾಲ್ಕನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಕೆಳಗಿಂತೆ ಅಧಿನಿಯಮಿತವಾಗತಕ್ಕದ್ದು: -

ಅಧ್ಯಾಯ - I

ಸಾಮಾನ್ಯ

1. ಚಿಕ್ಕ ಹೆಸರು, ವ್ಯಾಪ್ತಿ, ಅನ್ವಯ ಮತ್ತು ಪ್ರಾರಂಭ - (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಶಿಕ್ಷಣ ಅಧಿನಿಯಮ, 1983 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು ಇಡೀ ಕರ್ನಾಟಕ ರಾಜ್ಯಕ್ಕೆ ವ್ಯಾಪ್ತವಾಗುತ್ತದೆ.

(3) ಇದು, ಕೆಳಕಂಡವುಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ರಾಜ್ಯದಲ್ಲಿರುವ ಎಲ್ಲ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಮತ್ತು ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಗಳಿಗೆ ಅನ್ವಯವಾಗತಕ್ಕದ್ದು: -

(i) ಕೇಂದ್ರ ಸರ್ಕಾರದ ಆರ್ಥಿಕ ನೆರವು ಪಡೆದ ಹಾಗೂ ಕಾನೂನು ಮೂಲಕ ರಾಷ್ಟ್ರೀಯ ಮಹತ್ವದ ಸಂಸ್ಥೆಗಳಿದ್ದು, ಸಂಪತ್ತು ಘೋಷಿಸಿದ ವಿಜ್ಞಾನ ಮತ್ತು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು:

(ii) ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ಅನುದಾನ ಆಯೋಗ ಅಧಿನಿಯಮ, 1956 (1956ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ III)ರ 3ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಕೇಂದ್ರ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆ ಮೂಲಕ, ವಿಶ್ವವಿದ್ಯಾನಿಲಯಗಳೆಂಬುದಾಗಿ ಪರಿಗಣಿಸತಕ್ಕದ್ದೆಂದು ಘೋಷಿಸಿರುವಂಥ ಉನ್ನತ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು:

(iii) ಕೃಷಿ ವಿಜ್ಞಾನಿಗಳ ವಿಶ್ವವಿದ್ಯಾನಿಲಯವು ಸ್ಥಾಪಿಸಿದ ಅಥವಾ ನಿರ್ವಹಿಸಿದ ಮತ್ತು ಅದರ ಆಡಳಿತಕ್ಕೊಳಪಡುವ ಅಥವಾ ಅದಕ್ಕೆ ಸಂಯೋಜಿತವಾದ ಅಥವಾ ಅದರಿಂದ ಮನ್ನಣೆ ಪಡೆದ ಸಂಸ್ಥೆಗಳು, ಆ ಸಂಸ್ಥೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯಗಳು ಕೃಷಿ ವಿಜ್ಞಾನಿಗಳ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ಅಧಿನಿಯಮ, 1963 (1963ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 33) ಇವರ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಅವುಗಳಿಗೆ ವ್ಯವಹರಿಸಲಾಗುವಷ್ಟರ ಮಟ್ಟಿಗೆ:

[(iii) ಎ) ಅನುಕ್ರಮವಾಗಿ ಭಾರತೀಯ ಶಾಲಾ ಪ್ರಮಾಣಪತ್ರ ಪರೀಕ್ಷಾ ಪರಿಷತ್ತು ಅಥವಾ ಪ್ರೌಢ ಶಿಕ್ಷಣದ ಕೇಂದ್ರ ಮಂಡಲಿಯೊಂದಿಗೆ ಸಂಯೋಜಿತವಾದ ಅಥವಾ ಅದರಿಂದ ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ;]

(iv) ಯಾವ ಕಾಲೇಜುಗಳಿಗೆ ಮತ್ತು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯಗಳನ್ನು ಈ ಕೆಳಗಂಡ ಅಧಿನಿಯಮಗಳ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ವ್ಯವಹರಿಸಲಾಗುವಷ್ಟರ ಮಟ್ಟಿಗೆ ಅಂಥ ಕಾಲೇಜುಗಳು ಮತ್ತು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು -

(ಎ) ಭಾರತೀಯ ವೈದ್ಯಕೀಯ ಪರಿಷತ್ತು ಅಧಿನಿಯಮ, 1956 (1956ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 11)

(ಬಿ) ದಂತ ವೈದ್ಯರ ಅಧಿನಿಯಮ, 1948 (1948ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ XVI);

(ಸಿ) ಔಷಧಗಳ ಅಧಿನಿಯಮ, 1948 (1948 ಕೇಂದ್ರ ಅಧಿನಿಯಮ VIII);

(ಡಿ) ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಶ್ವವಿದ್ಯಾನಿಲಯಗಳ ಅಧಿನಿಯಮ, 1976 (1976ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 28);

[(ಡಿಎ) ಅಖಿಲ ಭಾರತ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಪರಿಷತ್ತು ಅಧಿನಿಯಮ, 1987 (1987ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 52);

(ಡಿಬಿ) ಇಂದಿರಾಗಾಂಧಿ ರಾಷ್ಟ್ರೀಯ ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ಅಧಿನಿಯಮ, 1985 (1985ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 50);

(ಡಿಸಿ) ರಾಷ್ಟ್ರೀಯ ಶಿಕ್ಷಣ ಪರಿಷತ್ತು ಅಧಿನಿಯಮ, 1993 (1993ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 73)

(ಇ) ಕರ್ನಾಟಕ ಆಯುರ್ವೇದ ಮತ್ತು ಯುನಾನಿ ವೈದ್ಯ ವೃತ್ತಿಗರ ಸಂಕೀರ್ಣ ಉಪಬಂಧಗಳ ಅಧಿನಿಯಮ, 1961 (1961ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 9); ಮತ್ತು

(ಎಫ್) ಕರ್ನಾಟಕ ಹೋಮಿಯೋಪತಿ ವೈದ್ಯ ವೃತ್ತಿಗರ ಅಧಿನಿಯಮ, 1961 (1961ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 35);

(v) ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಮತ್ತು ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಷ್ಟು ಮಟ್ಟಿಗೆ ಅಂಥ ಇತರ ಸಂಸ್ಥೆಗಳ ವರ್ಗ ಅಥವಾ ವರ್ಗಗಳು;

ಪರಂತು, III ನೇ ಅಧ್ಯಾಯದಲ್ಲಿ Vನೇ ಅಧ್ಯಾಯದ 35ನೇ ಪ್ರಕರಣದಲ್ಲಿ, VIIನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಮತ್ತು IXನೇ ಅಧ್ಯಾಯದಿಂದ XV ರ ವರೆಗಿನ ಅಧ್ಯಾಯಗಳಲ್ಲಿ ಎರಡೂ ಸೇರಿ ಮತ್ತು 57 ಮತ್ತು 58ನೇ ಪ್ರಕರಣಗಳನ್ನು ಬಿಟ್ಟು Xನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ಇರುವುದು ಯಾವುದೂ ವಾಣಿಜ್ಯ ವಿದ್ಯಾ ಸಂಸ್ಥೆಗಳಿಗೆ ಅನ್ವಯವಾಗತಕ್ಕದ್ದಲ್ಲ.

1. 1998ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 8ರ, ಪ್ರಕರಣ 2ರ ಮೂಲಕ 11-4-1998ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಸೇರಿಸಲಾಗಿದೆ (ಕರ್ನಾಟಕ ವಿಶೇಷ ರಾಜ್ಯಪತ್ರ 11-4-1998)

(4) ಇದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸಬಹುದಾದಂಥ (ದಿನಾಂಕದಂದು) ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಅಧಿನಿಯಮದ ಬೇರೆ ಬೇರೆ ಉಪಬಂಧಗಳಿಗಾಗಿ ಬೇರೆ ಬೇರೆ ದಿನಾಂಕಗಳನ್ನು ಗೊತ್ತುಪಡಿಸಬಹುದು.

2. ಪರಿಭಾಷೆಗಳು : - ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯಪಡಿಸಿದ ಹೊರತು -

(1) “ಶೈಕ್ಷಣಿಕ ವರ್ಷ” ಎಂದರೆ ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶಕ್ಕೆ ಅಥವಾ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ವರ್ಗಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ನಿಯಮಿಸಲಾದ ಪ್ರಾಧಿಕಾರವು ಅಧಿಸೂಚನೆ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ದಿನಾಂಕದಂದು ಪ್ರಾರಂಭವಾಗುವ ವರ್ಷ:

(2) “ವಯಸ್ಕರ ಶಿಕ್ಷಣ” - ಎಂದರೆ ಈ ಮುಂಚೆ ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ವ್ಯಾಸಂಗ ಮಾಡದೇ ಇರುವಂಥ, ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಮಾಡುತ್ತಿದ್ದ ವ್ಯಾಸಂಗವನ್ನು ಯಾವುದೇ ಹಂತದಲ್ಲಿ ಬಿಟ್ಟುಬಿಟ್ಟಂಥ ಹದಿನೈದು ವರ್ಷಕ್ಕಿಂತ ಕಡಿಮೆಯಿಲ್ಲದ ವಯಸ್ಸಿನ ವ್ಯಕ್ತಿಗೆ ನೀಡುವ ಶಿಕ್ಷಣ ಅಥವಾ ಮುಂದುವರಿಸಿದ ಶಿಕ್ಷಣ;

(3) “ಅನುಮೋದಿತ ಶಾಲೆ” ಎಂದರೆ, ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶದಲ್ಲಿರುವ ಮತ್ತು ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ ನೀಡುತ್ತಿರುವ ಹಾಗೂ -

(ಎ) ರಾಜ್ಯ ಸರ್ಕಾರ ಅಥವಾ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಆಡಳಿತದ ಅಧೀನದಲ್ಲಿರುವ ಯಾವುದೇ ಶಾಲೆ ; ಅಥವಾ

(ಬಿ) ಯಾವುದೇ ಇತರ ಆಡಳಿತ ವರ್ಗದ ಅಧೀನದಲ್ಲಿದ್ದು ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಥವಾ ಈ ಸಂಬಂಧದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಕೃತಗೊಳಿಸಿದ ಅಧಿಕಾರಿಯಿಂದ ಅಥವಾ ಶಾಲಾ ಮಂಡಲಿಯಿಂದ ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅನುಮೋದಿತ ಶಾಲೆಯೆಂಬುದಾಗಿ ಮನ್ನಣೆ ಪಡೆದಿರುವ ಯಾವುದೇ ಶಾಲೆ ;

(4) “ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿ” ಎಂದರೆ ನಿಯಮಿಸಲಾದ (15)ನೇ ಅನುಚ್ಛೇದದ (4)ನೇ ಖಂಡದ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ 16ನೇ ಅನುಚ್ಛೇದದ (5)ನೇ ಖಂಡದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಸರ್ಕಾರವು ಮನ್ನಣೆ ನೀಡಿದ ಸಾಮಾಜಿಕವಾಗಿ ಹಾಗೂ ಶೈಕ್ಷಣಿಕವಾಗಿ ಹಿಂದುಳಿದ ಯಾವುದೇ ನಾಗರಿಕ ವರ್ಗಗಳು ;

(5) ‘ಹಿಂದುಳಿದ ವರ್ಗಗಳು’ ಎಂದರೆ, ಭಾರತ ಸಂವಿಧಾನದ (15)ನೇ ಅನುಚ್ಛೇದದ (4)ನೇ ಖಂಡದ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ 16ನೇ ಅನುಚ್ಛೇದದ (4)ನೇ ಖಂಡದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಸರ್ಕಾರವು ಮನ್ನಣೆ ನೀಡಿದ ಸಾಮಾಜಿಕವಾಗಿ ಹಾಗೂ ಶೈಕ್ಷಣಿಕವಾಗಿ ಹಿಂದುಳಿದ ಯಾವುದೇ ನಾಗರಿಕ ವರ್ಗಗಳು ;

(6) “ಮಗು” ಎಂದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು, ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಸಾರ್ವತ್ರಿಕವಾಗಿ ಅಥವಾ ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶಕ್ಕೆ ಸಂಬಂಧಿಸಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂತೆ ಶೈಕ್ಷಣಿಕ ವರ್ಷದ

2. ಈ ಅಧಿನಿಯಮವು 1-6-1995ರಿಂದ ಜಾರಿಗೆ ಬಂದಿದೆ. ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಇಡಿ2 ಇಎಂಎಸ್ 95, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 30-5-1995 (ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ ದಿನಾಂಕ 30-5-1995)

ಪ್ರಾರಂಭದಲ್ಲಿ ಆರು ವರ್ಷಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಅಥವಾ ಹದಿನಾಲ್ಕು ವರ್ಷಗಳಿಗೆ ಹೆಚ್ಚಲ್ಲದ ವಯೋ ಗುಂಪಿನ ಬಾಲಕ ಅಥವಾ ಬಾಲಕಿ ;

(7) “ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರ” ಎಂದರೆ, ಈ ಅಧಿನಿಯಮದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಉಪಬಂಧಗಳ ಮೇರೆಗೆ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಪ್ರದೇಶಕ್ಕಾಗಿ ಅಥವಾ ಅಂಥ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಥವಾ ಸಂಸ್ಥೆಗಳ ಅಂಥ ವರ್ಗಗಳಿಗಾಗಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನೆರವೇರಿಸಲು ಮತ್ತು ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು, ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆ ಮೂಲಕ ಅಧಿಕೃತಗೊಳಿಸಿದ ಯಾವನೇ ವ್ಯಕ್ತಿ ಅಧಿಕಾರಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರ ;

(8) “ವಾಣಿಜ್ಯ ಶಿಕ್ಷಣ” ಎಂದರೆ, ಬೆರಳಚ್ಚು ಶೀಘ್ರಲಿಪಿ, ಜಮಾ ಖರ್ಚು ಲೆಕ್ಕ ಇಡುವುದು ಮತ್ತು ಲೇಖಾಪಾಲನ ಶಾಸ್ತ್ರ, ವಾಣಿಜ್ಯ ಶಾಸ್ತ್ರ, ಕಛೇರಿ ವ್ಯವಹಾರ ಹಾಗೂ ಕಾರ್ಯವಿಧಾನ, ವ್ಯಾಪಾರ ಕೌಶಲ ಮತ್ತು ಮಾರಾಟ ವ್ಯವಹಾರ, ಬ್ಯಾಂಕಿಂಗ್ ವ್ಯವಹಾರ, ವಿಮಾ ವ್ಯವಹಾರ ಹಾಗೂ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿ ಸೂಚಿಸಬಹುದಾದಂಥ ಇತರ ವಿಷಯಗಳಲ್ಲಿ ಶಿಕ್ಷಣ ;

(9) “ವಾಣಿಜ್ಯ ಸಂಸ್ಥೆ” ಎಂದರೆ, ವಾಣಿಜ್ಯ ಶಿಕ್ಷಣ ನೀಡುತ್ತಿರುವ ಹಾಗೂ ಕರ್ನಾಟಕ ಪ್ರೌಢ ಶಿಕ್ಷಣ ಪರಿಷ್ಠಾ ಮಂಡಲಿಯು ನಡೆಸುತ್ತಿರುವ ಪರೀಕ್ಷೆಗಳಿಗೆ ವಿದ್ಯಾರ್ಥಿಗಳನ್ನು ಹಾಜರುಪಡಿಸುತ್ತಿರುವ ಯಾವುದೇ ಸಂಸ್ಥೆ ;

(10) “ಜಿಲ್ಲೆ” ಎಂದರೆ ರೆವಿನ್ಯೂ ಜಿಲ್ಲೆ ;

(11) “ಜಿಲ್ಲಾ ಶಿಕ್ಷಣ ಅಧಿಕಾರಿ” ಎಂದರೆ, ಜಿಲ್ಲೆಯಲ್ಲಿ ಅಥವಾ ಜಿಲ್ಲೆಯ ಭಾಗದಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣದ ಆಡಳಿತ ನಿರ್ವಹಣೆಗೆ ಅಂಥ ಅಧಿಕಾರಿಯಾಗಿ ನೇಮಿಸಲಾದಂಥ ಅಧಿಕಾರಿ ;

(12) “ನಿರ್ದೇಶಕ, ಕಡ್ಡಾಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ” ಎಂದರೆ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಆಯುಕ್ತರ ಅಥವಾ ನಿರ್ದೇಶಕ, ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ (ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ) ಇವರ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುತ್ತಿರುವ ಮತ್ತು ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುತ್ತಿರುವ ಯಾರೇ ಇತರ ಅಧಿಕಾರಿ ;

(13) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, “ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿ” ಎಂದರೆ ಅಂಥ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಸ್ಥಾಪಿಸುವ ಮತ್ತು ಅದರ ಆಡಳಿತ ನಡೆಸುತ್ತಿರುವ ಅಥವಾ ಅದನ್ನು ಸ್ಥಾಪಿಸಲು ಮತ್ತು ಅದರ ಆಡಳಿತ ನಡೆಸಲು ಉದ್ದೇಶಿಸಿರುವ ಅತವಾ ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಸ್ಥಾಪನೆ, ವ್ಯವಸ್ಥಾಪನೆ, ಆಡಳಿತ ಮತ್ತು ನಿರ್ವಹಣೆಯನ್ನು ವಹಿಸಿಕೊಂಡ ಯಾರೇ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯ ;

(14) “ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ” ಎಂದರೆ 3ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಶಿಕ್ಷಣ ನೀಡುತ್ತಿರುವ ಯಾವುದೇ ಸಂಸ್ಥೆ ಹಾಗೂ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯೂ ಇದರಲ್ಲಿ ಒಳಗೊಳ್ಳುತ್ತದೆ. ಆದರೆ ವಿಶ್ವವಿದ್ಯಾನಿಲಯದ ಅಥವಾ ಕೇಂದ್ರ ಸರ್ಕಾರದ ನೇರ ವ್ಯವಸ್ಥಾಪನೆಗೆ ಒಳಪಟ್ಟಿರುವ ಸಂಸ್ಥೆಗಳು ಅಥವಾ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಗಳು ಇದರಲ್ಲಿ ಒಳಗೊಳ್ಳುವುದಿಲ್ಲ ;

(15) “ನೌಕರ” ಎಂದರೆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ನೇಮಕಗೊಂಡ ಯಾವನೇ ವ್ಯಕ್ತಿ;

(16) “ಸಾಮಾನ್ಯ ಶಿಕ್ಷಣ” ಎಂದರೆ ಧಾರ್ಮಿಕ, ವೃತ್ತಿಪರ, ವೈದ್ಯಕೀಯ, ತಾಂತ್ರಿಕ ಅಥವಾ ವಿಶೇಷ ಶಿಕ್ಷಣ ಇವುಗಳ ಹೊರತಾಗಿ ಶಿಕ್ಷಣದ ಪ್ರತಿಯೊಂದು ಶಾಖೆ;

(17) “ಆಡಳಿತ ಪರಿಷತ್ತು” ಎಂದರೆ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಅಥವಾ ವಾಣಿಜ್ಯ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಅಥವಾ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯನ್ನು ಸ್ಥಾಪಿಸಲು ಅಥವಾ ನಿರ್ವಹಿಸಲು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಅನುಮತಿಸಲಾದ ಅಥವಾ ಅನುಮತಿಸಲಾಗಿದೆಯೆಂದು ಭಾವಿಸಲಾದ ಯಾವನೇ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯ ಮತ್ತು ಸದರಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ವ್ಯವಹಾರಗಳನ್ನು ಯಾವ ಆಡಳಿತ ನಿಕಾಯಕ್ಕೆ ವಹಿಸಿಕೊಡಲಾಗಿದೆಯೋ ಅದನ್ನು ಯಾವುದೇ ಹೆಸರಿನಿಂದ ಕರೆಯಲಿ ಆ ಆಡಳಿತ ನಿಕಾಯ ಇದರಲ್ಲಿ ಒಳಗೊಳ್ಳುತ್ತದೆ;

(18) “ಅನುದಾನ” ಅಥವಾ “ಸಹಾಯಾನುದಾನ” ಎಂದರೆ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ರಾಜ್ಯ ನಿಧಿಯಿಂದ ಸಹಾಯವಾಗಿ ಸಂದಾಯ ಮಾಡಲಾದ ಯಾವುದೇ ಮೊತ್ತ.

(19) “ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿ” ಎಂದರೆ, ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ಮತ್ತು ಆಡಳಿತವನ್ನು ಯಾರಿಗೆ ವಹಿಸಲಾಗಿದೆಯೋ ಅಥವಾ ಅದರ ಹೊಣೆ ಯಾರಿಗೆ ವಹಿಸಲಾಗಿದೆಯೋ ಆ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯ ಮತ್ತು ಯಾವುದೇ ಸಂಘ, ನ್ಯಾಸ ಅಥವಾ ಸಂಸ್ಥೆಯು ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಅಂಥ ಸಂಸ್ಥೆಗಳ ವಯವಸ್ಥಾಪನೆಯನ್ನು ನಿರ್ವಹಿಸುತ್ತಿದ್ದಲ್ಲಿ ಅಂಥ ಪ್ರತಿಯೊಂದು ಸಂಸ್ಥೆಯ ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯೂ ಇದರಲ್ಲಿ ಒಳಗೊಳ್ಳುತ್ತದೆ;

(20) “ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ”ವು ಆಧುನಿಕ ವೈದ್ಯ ವಿಜ್ಞಾನದ ಎಲ್ಲ ವಿಭಾಗಗಳು, ಆಯುರ್ವೇದ ವೈದ್ಯ ಪದ್ಧತಿ, ಯುನಾನಿ ವೈದ್ಯ ಪದ್ಧತಿ, ಸಂಯೋಜಿತ ವೈದ್ಯ ಪದ್ಧತಿ, ದೇಶೀ ವೈದ್ಯ ಪದ್ಧತಿ, ಪ್ರಕೃತಿ ಚಿಕಿತ್ಸಾ ಪದ್ಧತಿ, ಸಿದ್ಧ ಅಥವಾ ಹೋಮಿಯೋಪತಿ - ಈ ಮುಂತಾದವುಗಳ ಶಿಕ್ಷಣವನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ;

(21) “ಅಲ್ಪಸಂಖ್ಯಾತರ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ” ಎಂದರೆ, ಭಾರತ ಸಂವಿಧಾನದ 30ನೇ ಅನುಚ್ಛೇದದ (1)ನೇ ಖಂಡದ ಮೇರೆಗೆ ಧರ್ಮವನ್ನು ಅಥವಾ ಭಾಷೆಯನ್ನು ಆಧರಿಸಿ ತಮ್ಮ ಇಷ್ಟಾನುಸಾರ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳನ್ನು ಸ್ಥಾಪಿಸಿ ನಿರ್ವಹಿಸಲು ಹಕ್ಕುಳ್ಳ ಅಲ್ಪಸಂಖ್ಯಾತರು ಹಾಗೆ ಸ್ಥಾಪಿಸಿ ನಿರ್ವಹಿಸುವಂಥ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ.

(22) “ಅನೌಪಚಾರಿ ಶಿಕ್ಷಣ” ಎಂದರೆ ಈ ಹಿಂದೆ ಯಾವುದೇ ಕಾಲದಲ್ಲಿ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಹಾಜರಾಗಿಲ್ಲದ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಒಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿನ ವ್ಯಾಸಂಗದ ಯಾವುದೇ ಹಂತದಲ್ಲಿ ಶಾಲೆ ಬಿಟ್ಟು ಬಿಟ್ಟು ವ್ಯಕ್ತಿಗೆ, ಔಪಚಾರಿಕ ಶಿಕ್ಷಣ ವ್ಯವಸ್ಥೆಗೆ ಸೂಕ್ತ ಹಂತದಲ್ಲಿ ಪ್ರವೇಶ ಪಡೆಯಲು ಸಾಧ್ಯವಾಗುವಂತೆ ಅವನಿಗೆ ಹದಿನೈದು ವರ್ಷವಾಗುವವರೆಗೆ ನೀಡುವ ಶಿಕ್ಷಣ;

(23) ಮಗುವಿನ ಸಂಬಂಧದಲ್ಲಿ “ತಂದೆ ತಾಯಿ” ಎಂಬುದು ಮಗುವಿನ ಪೋಷಕನನ್ನು ಮತ್ತು ಮಗುವಿನ ಕಾನೂನುಬದ್ಧ ಅಭಿರಕ್ಷೆಯನ್ನು ಹೊಂದಿರುವ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ;

(24) “ನಿಯಮಿಸಲಾದುದು” ಎಂದರೆ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ರಚಿಸಿ ನಿಯಮಗಳ ಮೂಲಕ ನಿಯಮಿಸಲಾದುದು;

(25) “ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ” ಎಂದರೆ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ನಿಯಮಿಸಲಾದಂಥ ವರ್ಗಗಳಲ್ಲಿ ಮತ್ತು ತರಗತಿಗಳಲ್ಲಿ ಮತ್ತು ಅಂಥ ವರ್ಗಗಳ ಮತ್ತು ತರಗತಿಗಳವರೆಗಿನ ಶಿಕ್ಷಣ ;

(26) “ಪ್ರಾಥಮಿಕ ಶಾಲೆ” ಎಂದರೆ ಯಾವ ಶಾಲೆಯಲ್ಲಿ ಅಥವಾ ಅದರ ಯಾವುದೇ ಭಾಗದಲ್ಲಿ ಯಾವುದೇ ತರಗತಿಯವರೆಗೆ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ ನೀಡಲಾಗುವುದೋ ಅಂಥ ಶಾಲೆ ಅಥವಾ ಅದರ ಭಾಗ ;

(27) “ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ” ಎಂದರೆ, ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವು ಸ್ಥಾಪಿಸಿದ ಮತ್ತು ಆಡಳಿತ ನಡೆಸುವ ಅಥವಾ ನಿರ್ವಹಿಸಿಕೊಂಡು ಬರುವ ಮತ್ತು 3ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಶಿಕ್ಷಣವನ್ನು ನೀಡುವ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ, ಅದರ ಇದರಲ್ಲಿ ;

(ಎ) ಕೇಂದ್ರ ಸರ್ಕಾರವು ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಅಥವಾ ಕೇಂದ್ರ ಸರ್ಕಾರವು ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರವು ನಾಮನಿರ್ದೇಶಿಸಿದ ಅಥವಾ ಪ್ರಾಯೋಗಿಸಿದ ಯಾವುದೇ ಇತರ ಪ್ರಾಧಿಕಾರವು ಸ್ಥಾಪಿಸಿದ, ಆಡಳಿತ ನಡೆಸುವ ಮತ್ತು ನಿರ್ವಹಿಸುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ ;

(ಬಿ) ಕಾನೂನಿನ ಮೂಲಕ ಸ್ಥಾಪಿತವಾದ ಯಾವುದೇ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಸ್ಥಾಪಿಸಿದ ಮತ್ತು ಆಡಳಿತ ನಡೆಸುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ ;

(ಸಿ) ಯಾವುದೇ ಇತರ ಶಿಕ್ಷಣವನ್ನು ನೀಡದೆ, ಧಾರ್ಮಿಕ ಬೋಧನೆಯನ್ನು ಮಾತ್ರವೇ ಕೊಡುವ, ಒದಗಿಸುವ ಅಥವಾ ನೀಡುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ ;

(ಡಿ) ಅನುಮೋದಿತ ಪಠ್ಯ ವಿಷಯ ಅಥವಾ ವ್ಯಾಸಂಗ ಕ್ರಮ ಅಥವಾ ಸರ್ಕಾರದ ಇಲ್ಲವೇ ವಿಶ್ವವಿದ್ಯಾಲಯದ ಪರೀಕ್ಷೆಗಳಿಲ್ಲದ ಶಿಕ್ಷಣವನ್ನು ನೀಡುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು - ಇದರಲ್ಲಿ ಒಳಗೊಳ್ಳುವುದಿಲ್ಲ.

(28) “ಖಾಸಗಿ ಪಾಠ” ಎಂದರೆ ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ನೌಕರನು ಆ ಸಂಸ್ಥೆಯ ಆವರಣದ ಹೊರಗೆ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಬೋಧನೆ ನೀಡುವುದು ಅಥವಾ ಪಾಠ ಹೇಳಿಕೊಡುವುದು ;

[“(28ಎ) “ಸಾರ್ವಜನಿಕ ಹಿತಾಸಕ್ತಿ” ಎಂಬುವಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆ, ಜನಾರೋಗ್ಯ ಸಾರ್ವಜನಿಕ ನೈತಿಕತೆ ಮತ್ತು ಅಂಥದೇ ಇತರ ಉದ್ದೇಶಗಳು ಒಳಗೊಳ್ಳುತ್ತವೆ.”]

(29) “ರ‍್ಯಾಗಿಂಗ್” ಎಂದರೆ, ಯಾವನೇ ವಿದ್ಯಾರ್ಥಿಗೆ ಕ್ರಿಯಾಪೂರ್ಣ ತಮಾಷೆಗಾಗಿ ಅಥವಾ ಇತರ ರೀತಿಯಲ್ಲಿ ಬೆದರಿಕೆ ಒಡ್ಡುವ, ಅಕ್ರಮವಾಗಿ ನಿಗ್ರಹಿಸುವ, ಅಕ್ರಮವಾಗಿ ಬಂಧನದಲ್ಲಿಡುವ ಅಥವಾ ಅವನಿಗೆ ಗಾಯವನ್ನುಂಟು ಮಾಡುವ ಅಥವಾ ಅವನ ಮೇಲೆ ಅಪರಾಧಿಕ ಬಲ ಪ್ರಯೋಗ ಮಾಡುವ ಮೂಲಕ ಅಥವಾ ಹಾಗೆ ಬೆದರಿಕೆ ಒಡ್ಡುವ, ಅಕ್ರಮವಾಗಿ ಬಂಧನದಲ್ಲಿಡುವ, ಗಾಯಗೊಳಿಸುವ ಅಥವಾ ಅಪರಾಧಿಕ ಬಲ ಪ್ರಯೋಗ ಮಾಡುವ, ಬೆದರಿಕೆ ಒಡ್ಡುವ ಮೂಲಕ ಮಾನವನ ಘನತೆಗೆ ಕುಂದುಂಟು ಮಾಡುವ ಅಥವಾ ಅವನ ಶರೀರವನ್ನು ಹಿಂಸೆಗೊಳಪಡಿಸುವ ಅಥವಾ ಅವನನ್ನು ಅಪಹಾಸ್ಯಕ್ಕೀಡಾಗುವಂತೆ ಮಾಡುವ ಯಾವುದೇ ಕೃತ್ಯವನ್ನು ಮಾಡುವಂತೆ ಅಥವಾ ಯಾವುದೇ ಕಾನೂನುಬದ್ಧ ಕಾರ್ಯವನ್ನು ಮಾಡದಂತೆ ಮಾಡುವುದು, ಪ್ರೇರೇಪಿಸುವುದು, ಒತ್ತಾಯ ಮಾಡುವುದು ಅಥವಾ ಬಲವಂತ ಮಾಡುವುದು ;

(30) “ಮಾನ್ಯತೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ” ಎಂದರೆ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಮಾನ್ಯತೆ ಪಡೆದ ಶಿಕ್ಷಣ

ಸಂಸ್ಥೆ ಮತ್ತು ಸದರಿ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಮಾನ್ಯತೆ ಪಡೆದಿದೆ ಎಂದು ಭಾವಿಸಲಾದ ಸಂಸ್ಥೆಯನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ;

(31) “ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರ” ಎಂದರೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಿ ಆ ಅಧಿ ಸೂಚನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಪ್ರದೇಶಕ್ಕಾಗಿ ಅಥವಾ ಅಂಥ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಥವಾ ಅಂಥ ಸಂಸ್ಥೆಗಳ ವರ್ಗಕ್ಕಾಗಿ ಈ ಅಧಿನಿಯಮದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಉಪಬಂಧಗಳ ಮೇರೆಗೆ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರದ ಪ್ರಕಾರ್ಯಗಳು ನೆರವೇರಿಸಲು ಮತ್ತು ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು, ಅಧಿಕೃತರಾದ ಯಾವನೇ ವ್ಯಕ್ತಿ ಅಧಿಕಾರಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರ;

(32) “ಪ್ರೌಢ ಶಿಕ್ಷಣ” ಎಂದರೆ ನಿಯಮಿಸಬಹುದಾದಂಥ ತರಗತಿಯಲ್ಲಿ ಅಥವಾ ದರ್ಜೆಯಲ್ಲಿ ಮತ್ತು ಆ ತರಗತಿಯ ಅಥವಾ ಆ ದರ್ಜೆಯ ವರೆಗಿನ ಶಿಕ್ಷಣ;

(33) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ “ಕಾರ್ಯದರ್ಶಿ” ಎಂದರೆ, ಅವನನ್ನು ಯಾವ ಹೆಸರಿನಿಂದಲಾದರೂ ಕರೆದರೂ ಸರಿಯೆ, ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ನಿಯಮಗಳ ಮತ್ತು ವಿನಿಮಯಗಳ ಮೇರೆಗೆ, ಸಂಸ್ಥೆಯ ವ್ಯವಹಾರಗಳ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ವಹಿಸಿಕೊಡಲಾಗಿರುವ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕನಾಗಿರುವಂಥ ಯಾವನೇ ವ್ಯಕ್ತಿ;

(34) “ಸಂಘ” ಎಂಬುದು ಕರ್ನಾಟಕ ಸಂಘಗಳ ನೋಂದಣಿ ಅಧಿನಿಯಮ, 1990 (ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1960ರ 17) ಅಥವಾ ಕರ್ನಾಟಕ ಸಹಕಾರ ಸಂಘಗಳ ಅಧಿನಿಯಮ 1959ರ ಮೇರೆಗೆ ನೋಂದಣಿಯಾದ ಸಂಘವನ್ನು ಅಥವಾ ಮುಂಬೈ ನ್ಯಾಸಗಳ ಅಧಿನಿಯಮ, 1950ರ ಮೇರೆಗೆ ನೋಂದಾಯಿತವಾದ ನ್ಯಾಸವನ್ನು ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿನ ಮೇರೆಗೆ ನೋಂದಾಯಿತವಾದ ವ್ಯಕ್ತಿಗಳ ಸಂಘವನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ;

(35) “ವಿಶೇಷ ಶಿಕ್ಷಣ” ಎಂದರೆ ಅಂಗವಿಕಲರಿಗಾಗಿ ಶಿಕ್ಷಣ, ಸಂಗೀತ ಶಿಕ್ಷಣ, ನೃತ್ಯ, ನಾಟಕ ಮತ್ತು ಲಲಿತಕಲೆಗಳ ಶಿಕ್ಷಣ, ಆಟಗಳು ಹಾಗೂ ಕ್ರೀಡೆಗೂ ಸೇರಿದಂತೆ ದೈಹಿಕ ಶಿಕ್ಷಣ ಹಾಗೂ ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಸಂಬಂಧದಲ್ಲಿ ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಶಿಕ್ಷಣದ ಇತರ ಯಾವುದೇ ಪ್ರಕಾರಗಳು;

(36) “ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಪ್ರದೇಶ” ಎಂದರೆ ಯಾವ ಪ್ರದೇಶದಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವು ಕಡ್ಡಾಯವಾಗಿರತಕ್ಕದ್ದೆಂದು 11ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚಿಸುವುದೋ ಆ ಯಾವುದೇ ಪ್ರದೇಶ;

(37) “ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ” ಎಂದರೆ ಇಂಜಿನಿಯರಿಂಗ್, ತಾಂತ್ರಿಕ ವಿಜ್ಞಾನ, ವಾಸ್ತುಶಿಲ್ಪ, ಕುಂಭಕಲೆ, ಔದ್ಯಮಿಕ ತರಬೇತಿ, ಗಣಿಗಾರಿಕೆ ಇವುಗಳ ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಯಾವುದೇ ಇತರ ವಿಷಯಗಳ ವ್ಯಾಸಂಗಕ್ರಮ;

(38) ‘ನ್ಯಾಯಾಧಿಕರಣ’ ಎಂದರೆ 96ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ರಚಿತವಾದ ಶಿಕ್ಷಣ ಅಪೀಲು ನ್ಯಾಯಾಧಿಕರಣ;

1. 1998ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 8ರ, ಪ್ರಕರಣ 2ರ ಮೂಲಕ 11-4-1998ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಸೇರಿಸಲಾಗಿದೆ (ಕರ್ನಾಟಕ ವಿಶೇಷ ರಾಜ್ಯಪತ್ರ 11-4-1998)

(39) “ಟ್ಯೂಟೋರಿಯಲ್ ಸಂಸ್ಥೆ” ಎಂದರೆ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಇತರ ಕಾನೂನಿನ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಥವಾ ಯಾವುದೇ ನಿಕಾಯದ ಅಥವಾ ರಾಜ್ಯದಲ್ಲಿರುವ ವಿಶ್ವವಿದ್ಯಾನಿಲಯದ ಅಥವಾ ಪ್ರಾಧಿಕಾರದ ಮೂಲಕ ರಾಜ್ಯದಲ್ಲಿ ಯಾವುದೇ ಶಿಕ್ಷಣ ವಿಭಾಗದಲ್ಲಿ ಯಾವುದೇ ವಿಷಯದ ಬಗ್ಗೆ ನಡೆಸಲಾಗುವ ಅಥವಾ ಮನ್ನಣೆ ನೀಡಲಾದ ಪರೀಕ್ಷೆಗೆ ಇಪ್ಪತ್ತು ಅಥವಾ ಹೆಚ್ಚುವ್ಯಕ್ತಿಗಳನ್ನು ಸಿದ್ಧಗೊಳಿಸುವ ದೃಷ್ಟಿಯಿಂದ ಕ್ರಮಬದ್ಧವಾಗಿ ಶಿಕ್ಷಣ ನೀಡಲು ಅಥವಾ ಬೋಧನೆ ಮಾಡಲು ಇಬ್ಬರಿಗಿಂತ ಕಡಿಮೆಯಲ್ಲದ ವ್ಯಕ್ತಿಗಳು ಸ್ಥಾಪಿಸಿರುವ, ಅಥವಾ ನಡೆಸುತ್ತಿರುವ ಸರ್ಕಾರದ ಮನ್ನಣೆ ಪಡೆಯುವ ಒಂದು ಸಂಸ್ಥೆ.

3. ಶಿಕ್ಷಣದ ವಿನಿಯಮನ (1) ರಾಜ್ಯ ಸರ್ಕಾರವು, 1ನೇ ಪ್ರಕರಣದ (3)ನೇ ಉಪಪ್ರಕರಣಕ್ಕೊಳಪಟ್ಟು ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧನಗಳಿಗನುಸಾರವಾಗಿ ಸಾಮಾನ್ಯ ಶಿಕ್ಷಣ, ವೃತ್ತಿ ಶಿಕ್ಷಣ, ವೃದ್ಧಕೀಯ ಶಿಕ್ಷಣ, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಮತ್ತು ವಿಶೇಷ ಶಿಕ್ಷಣ ಇವುಗಳನ್ನು ಎಲ್ಲ ಹಂತಗಳಲ್ಲಿ ವಿನಿಯಮಿಸಬಹುದು.

(2) ರಾಜ್ಯ ಸರ್ಕಾರವು ಆ ಉದ್ದೇಶಕ್ಕಾಗಿ -

(ಎ) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳನ್ನು ಸ್ಥಾಪಿಸಿ ನಿರ್ವಹಿಸಬಹುದು;

(ಬಿ) ವಿನಿಯಮಿಸಬಹುದಾದಂಥ ವಿಶಿಷ್ಟ ವಿವರಣೆಗನುಸಾರವಾಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳನ್ನು ಸ್ಥಾಪಿಸಿ ನಿರ್ವಹಿಸಲು ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ಖಾಸಗಿ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯಕ್ಕೆ ಅನುಮತಿ ನೀಡಬಹುದು;

(ಸಿ) ಟ್ಯೂಟೋರಿಯಲ್ ಸಂಸ್ಥೆಗಳೂ ಸೇರಿದಂತೆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ನೋಂದಣಿಯನ್ನು ಅಗತ್ಯಪಡಿಸಬಹುದು;

(ಡಿ) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಮಾನ್ಯತೆ ನೀಡಬಹುದು;

(ಇ) ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳ ಈಡೇರಿಕೆಗಾಗಿ ಮಾನ್ಯತೆ ಪಡೆದ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಸಹಾಯ ನೀಡಬಹುದು;

(ಎಫ್) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಅಥವಾ ಅಂಥ ಸಂಸ್ಥೆಗಳ ವರ್ಗದ ಯಾವುದೇ ವ್ಯಾಸಂಗ ಕ್ರಮಕ್ಕೆ ಪ್ರವೇಶ ನೀಡುವ ವ್ಯಕ್ತಿಗಳ ಕನಿಷ್ಠ ಮತ್ತು ಗರಿಷ್ಠ ಸಂಖ್ಯೆಯೂ ಸೇರಿದಂತೆ ಪ್ರವೇಶವನ್ನು ಮತ್ತು ಅಂಥ ಪ್ರವೇಶಕ್ಕೆ ಕನಿಷ್ಠ ವಯೋಮಿತಿಯನ್ನು ವಿನಿಯಮಿಸಬಹುದು;

(ಜಿ) ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ ಅಥವಾ ಅಂಥ ಸಂಸ್ಥೆಗಳ ವರ್ಗದ ಸಂಬಂಧದಲ್ಲಿ ಅರ್ಹತೆ ಹಾಗೂ ಪ್ರವೇಶದ ಬಗ್ಗೆ ಷರತ್ತುಗಳನ್ನು ನಿಮಯಿಸಬಹುದು;

(ಎಚ್) ವಿದ್ಯಾರ್ಥಿನಿಲಯಗಳನ್ನು ಸ್ಥಾಪಿಸಬಹುದು ಅಥವಾ ಖಾಸಗಿ ವಿದ್ಯಾರ್ಥಿನಿಲಯಗಳಿಗೆ ಮಾನ್ಯತೆ ನೀಡಬಹುದು ಮತ್ತು ಮಾನ್ಯತೆ ಪಡೆದ ವಿದ್ಯಾರ್ಥಿನಿಲಯಗಳಿಗೆ ಸಹಾಯಾನುದಾನ ನೀಡುವ ಬಗ್ಗೆ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು;

(ಐ) ಕಲೆ, ಕುಶಲಕಲೆ, ಸಂಗೀತ, ನೃತ್ಯ, ನಾಟಕ ಅಥವಾ ಅಂಥ ಇತರ ಲಲಿತ ಕಲೆಗಳ ಮತ್ತು ಕ್ರೀಡೆಗಳೂ ಸೇರಿದಂತೆ ದೈಹಿಕ ಶಿಕ್ಷಣ - ಇವುಗಳಲ್ಲಿ ಶಿಕ್ಷಣ ನೀಡಲು ಸಂಸ್ಥೆಗಳಿಗೆ ಅನುಮತಿ ನೀಡಬಹುದು ಇಲ್ಲವೆ ಅವುಗಳನ್ನು ಸ್ಥಾಪಿಸಬಹುದು ;

(ಜೆ) ಪ್ರಾಥಮಿಕ ಪೂರ್ವ ಶಿಕ್ಷಣ, ವಯಸ್ಕರ ಶಿಕ್ಷಣ ಮತ್ತು ಅನೌಪಚಾರಿಕ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಅಥವಾ ಕೇಂದ್ರಗಳ ಸ್ಥಾಪನೆಗೆ ಅನುಮತಿ ನೀಡಬಹುದು ಅಥವಾ ಅವುಗಳನ್ನು ಸ್ಥಾಪಿಸಬಹುದು ; ಮತ್ತು

(ಕೆ) ಕಾಲಕಾಲಕ್ಕೆ ಅವಶ್ಯ ಅಥವಾ ಜರೂರು ಎಂದು ತಾನು ಪರಿಗಣಿಸಬಹುದಾದಂಥ ಯಾವುದೇ ಇತರ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಬಹುದು.

4. ಖಾಸಗಿ ಪಾಠವನ್ನು ನಿಷೇಧಿಸುವುದು - ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ನೋಂದಾಯಿಸಲಾದ ಅಥವಾ ನೋಂದಾಯಿಸಲಾಗಿದೆ ಎಂದು ಭಾವಿಸಲಾದ ಯಾವ ಸಂಸ್ಥೆಯೂ, ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕದಂದು ಮತ್ತು ಆ ತರುವಾಯ, ತನ್ನ ಯಾವುದೇ ನೌಕರನಿಗೆ ಖಾಸಗಿ ಪಾಠ ಹೇಳಿಕೊಡುವುದಕ್ಕೆ ಅನುಮತಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅಂಥ ನೌಕರನೂ ಯಾವುದೇ ವ್ಯಕ್ತಿಗೆ ಹಾಗೆ ಖಾಸಗಿ ಪಾಠವನ್ನು ಹೇಳಿಕೊಡತಕ್ಕದ್ದಲ್ಲ.

5. ದುರ್ಬಲ ವರ್ಗಗಳ ಮತ್ತು ಅಂಗವಿಕಲರ ಶಿಕ್ಷಣಕ್ಕೆ ಉತ್ತೇಜನ ನೀಡುವುದು- ಸಮಾಜದ ಆರ್ಥಿಕವಾಗಿ ಹಿಂದುಳಿದ ವರ್ಗದವರೂ ಸೇರಿದಂತೆ ಹಾಗೂ ವಿಶೇಷವಾಗಿ ಅನುಸೂಚಿತ ಜಾತಿ ಹಾಗೂ ಅನುಸೂಚಿತ ಪಂಗಡಗಳ ಜನರ ಶಿಕ್ಷಣಕ್ಕೆ ವಿಶೇಷ ಗಮನ ನೀಡಿ ಸೂಕ್ತವೆನಿಸಬಹುದಾದ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳುವುದರ ಮೂಲಕ ಸಮಾಜದ ದುರ್ಬಲ ವರ್ಗಗಳ ಮತ್ತು ಅಂಗವಿಕಲರ ಶಿಕ್ಷಣಕ್ಕೆ ಉತ್ತೇಜನ ನೀಡಲು ರಾಜ್ಯ ಸರ್ಕಾರವು ಪ್ರಯತ್ನಿಸತಕ್ಕದ್ದು.

6. ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಈ ಅಧಿನಿಯಮಕ್ಕೆ ನುಗುಣವಾಗಿ ಇರುವುದು - ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ರಚಿತವಾದ ನಿಯಮಗಳ ಉಪಬಂಧಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಅಲ್ಲದೆ ಬೇರೆ ರೀತಿಯಲ್ಲಿ ಸ್ಥಾಪಿಸತಕ್ಕದ್ದಲ್ಲ ಇಲ್ಲವೇ ನಿರ್ವಹಿಸತಕ್ಕದ್ದಲ್ಲ.

7. ಪಾಠಕ್ರಮ, ಇತ್ಯಾದಿಗಳನ್ನು ಸರ್ಕಾರ ಗೊತ್ತುಪಡಿಸುವುದು - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು, ನಿಯಮಿಸಬಹುದಾದಂಥ ನಿಯಮಗಳಿಗೊಳಪಟ್ಟು, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಸಂಬಂಧದಲ್ಲಿ ಆದೇಶದ ಮೂಲಕ ಕೆಳಕೊಂಡವುಗಳನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದು :-

(ಎ) ಯಾವುದೇ ಬೋಧನ ಕ್ರಮಕ್ಕಾಗಿ ಪಾಠ ಕ್ರಮ, ಪಠ್ಯವಸ್ತು ಹಾಗೂ ಪಠ್ಯ ಪುಸ್ತಕಗಳು ;

(ಬಿ) ಅಂಥ ಬೋಧನ ಕ್ರಮದ ಅವಧಿ ;

(ಸಿ) ಶಿಕ್ಷಣ ಮಾಧ್ಯಮ ;

(ಡಿ) ಪರೀಕ್ಷಾ ಹಾಗೂ ಮೌಲ್ಯ ಮಾಪನದ ಪದ್ಧತಿ

(ಇ) ಶೈಕ್ಷಣಿಕ ವರ್ಷದಲ್ಲಿನ ಕೆಲಸದ ದಿನಗಳ ಮತ್ತು ಕೆಲಸದ ಘಂಟೆಗಳ ಸಂಖ್ಯೆ ;

(ಎಫ್) ಪಾಠದ ಮತ್ತು ಇತರ ಫೀಜುಗಳು, ಕಟ್ಟಡ ನಿಧಿ ಅಥವಾ ಯಾವುದೇ ಹೆಸರಿಂದಲಾದರೂ ಕರೆಯುವ ಇತರ ಮೊಬಲಗು - ಅವನ್ನು ವಿದ್ಯಾರ್ಥಿಗಳಿಂದ ಅಥವಾ ವಿದ್ಯಾರ್ಥಿಗಳ ಪರವಾಗಿ ಯಾವ ದರಗಳಲ್ಲಿ ವಸೂಲು ಮಾಡಬಹುದು.

(ಜೆ) (ಬೋಧಕ ಮತ್ತು ಬೋಧಕೇತರ) ಸಿಬ್ಬಂದಿ ವರ್ಗದ ವ್ಯವಸ್ಥೆ ಮತ್ತು ವಿವಿಧ ಹುದ್ದೆಗಳಿಗೆ ಇರತಕ್ಕ ಶೈಕ್ಷಣಿಕ ಹಾಗೂ ಇತರ ಅರ್ಹತೆಗಳು ;

(ಎಚ್) ಕಟ್ಟಡಗಳು, ನೈರ್ಮಲ್ಯ ವ್ಯವಸ್ಥೆಗಳು, ಆಟದ ಮೈದಾನ, ಪೀಠೋಪಕರಣ, ಸಾಧನ ಸಾಮಗ್ರಿ, ಗ್ರಂಥಾಲಯ, ಬೋಧನಾ ಸಹಾಯಕ ಸಾಮಗ್ರಿ, ಪ್ರಯೋಗ ಶಾಲೆ ಹಾಗೂ ಕಾರ್ಯಾಗಾರ ಮುಂತಾಗಿ ಒದಗಿಸಬೇಕಾದ ಸೌಕರ್ಯಗಳು ;

(ಐ) ಅವಶ್ಯವೆಂದು ಪರಿಗಣಿಸುವಂಥ ಇತರ ವಿಷಯಗಳು ;

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಗೊತ್ತುಪಡಿಸಲಾದ ಪಾಠಕ್ರಮಗಳಲ್ಲಿ ಈ ಕೆಳಕಂಡ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಯೋಜನೆಗಳೂ ಸಹ ಒಳಗೊಳ್ಳಬಹುದು ;

(ಎ) ನೀತಿ ಪಾಠ ಹಾಗೂ ಸದಾಚಾರ ಶಿಕ್ಷಣ ;

(ಬಿ) ಜನಸಂಖ್ಯಾ ಶಿಕ್ಷಣ, ದೈಹಿಕ ಶಿಕ್ಷಣ, ಆರೋಗ್ಯ ಶಿಕ್ಷಣ ಹಾಗೂ ಕ್ರೀಡೆಗಳು ;

(ಸಿ) ಸಾಮಾಜಿಕವಾಗಿ ಉಪಯುಕ್ತವಾದ ಲಾಭದಾಯಕ ಕೆಲಸ, ಪ್ರತ್ಯಕ್ಷ ಅನುಭವ ಹಾಗೂ ಸಮಾಜ ಸೇವೆ ;

(ಡಿ) ನವೀನಾತ್ಮಕ, ರಚನಾತ್ಮಕ ಹಾಗೂ ಸಂಶೋಧನಾ ಚಟುವಟಿಕೆಗಳು ;

(ಇ) ರಾಷ್ಟ್ರೀಯ ಐಕ್ಯತೆಯ ಸಂವರ್ಧನೆ ;

(ಎಫ್) ನಾಗರಿಕ ಪ್ರಜ್ಞೆಯನ್ನು ಹೆಚ್ಚಿಸುವುದು ; ಮತ್ತು

(ಜೆ) ಸಂವಿಧಾನದಲ್ಲಿ ಹೇಳಲಾಗಿರುವ ಈ ಮುಂದಿನ ನಾಗರಿಕ ಕರ್ತವ್ಯ ಪ್ರಜ್ಞೆಯನ್ನು ಬೋಧಿಸುವುದು ಎಂದರೆ : -

(i) ಸಂವಿಧಾನವನ್ನು ಅನುಸರಿಸುವುದು ಹಾಗೂ ಅದರ ಆದರ್ಶಗಳನ್ನು ಮತ್ತು ಸಂಸ್ಥೆಗಳನ್ನು ರಾಷ್ಟ್ರಧ್ವಜ ಹಾಗೂ ರಾಷ್ಟ್ರ ಗೀತೆಯನ್ನು ಗೌರವಿಸುವುದು ;

(ii) ನಮ್ಮ ರಾಷ್ಟ್ರೀಯ ಸ್ವಾತಂತ್ರ್ಯ ಸಂಗ್ರಾಮಕ್ಕೆ ಸ್ಫೂರ್ತಿದಾಯಕವಾಗಿದ್ದ ಉದಾತ್ತ ಆದರ್ಶಗಳನ್ನು ಗೌರವಿಸುವುದು ಮತ್ತು ಆನಂದಿಸುವುದು ;

(iii) ಭಾರತದ ಸಾರ್ವಭೌಮತ್ವವನ್ನು ಐಕ್ಯತೆಯನ್ನು ಮತ್ತು ಅಖಂಡತೆಯನ್ನು ಎತ್ತಿಹಿಡಿಯುವುದು ಹಾಗೂ ಸಂರಕ್ಷಿಸುವುದು ;

(iv) ದೇಶವನ್ನು ರಕ್ಷಿಸುವುದು ಮತ್ತು ರಾಷ್ಟ್ರಕ್ಕೆ ಸೇವೆ ಸಲ್ಲಿಸಲು ಕರೆಬಂದಾಗ ಹಾಗೆ ಮಾಡುವುದು ;

(v) ಧಾರ್ಮಿಕ, ಭಾಷಾ ಮತ್ತು ಪ್ರಾದೇಶಿಕ ಅಥವಾ ಜಾತಿ ಪಂಗಡಗಳ ಭಿನ್ನತೆಗಳಿಂದ ಅತೀತವಾಗಿ, ಭಾರತದ ಎಲ್ಲಾ ಜನತೆಯಲ್ಲಿ ಸಾಮರಸ್ಯವನ್ನು ಮತ್ತು ಸಮಾಜ ಭ್ರಾತೃತ್ವದ ಭಾವನೆಯನ್ನು ಬೆಳೆಸುವುದು ಮತ್ತು ಸ್ತ್ರೀಯರ ಗೌರವಕ್ಕೆ ಕುಂದುಂಟು ಮಾಡುವ ಆಚರಣೆಗಳನ್ನು ಬಿಟ್ಟುಬಿಡುವುದು ;

(vi) ನಮ್ಮ ಸಮಿತ್ರ ಸಂಸ್ಕೃತಿಯ ಭವ್ಯ ಪರಂಪರೆಯನ್ನು ಗೌರವಿಸುವುದು ಹಾಗೂ ಕಾಪಾಡುವುದು ;

(vii) ಅರಣ್ಯಗಳು, ಸರೋವರುಗಳು, ನದಿಗಳು ಮತ್ತು ವನ್ಯಜೀವಿಗಳೂ ಸೇರಿದಂತೆ ನೈಸರ್ಗಿಕ ಪರಿಸರವನ್ನು ಸಂರಕ್ಷಿಸುವುದು ಹಾಗೂ ಅಭಿವೃದ್ಧಿಗೊಳಿಸುವುದು ಮತ್ತು ಪ್ರಾಣಿಗಳಿಗೆ ಅನುಕಂಪ ತೋರಿಸುವುದು.

(viii) ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವನೆ, ಮಾವನೀಯತೆ, ಜಿಜ್ಞಾಸೆಯ ಮತ್ತು ಸುಧಾರಣೆಯ ಪ್ರವೃತ್ತಿ - ಇವುಗಳನ್ನು ಅಭಿವೃದ್ಧಿಗೊಳಿಸುವುದು ;

(ix) ಸಾರ್ವಜನಿಕ ಸ್ವತ್ತನ್ನು ರಕ್ಷಿಸುವುದು ಮತ್ತು ಹಿಂಸೆಯನ್ನು ತ್ಯಜಿಸುವುದು ;

(x) ರಾಷ್ಟ್ರವು ನಿರಂತರವಾಗಿ ಸಾಧನೆಯ ಮತ್ತು ಸಿದ್ಧಿಯ ಉನ್ನತ ಮಟ್ಟಗಳನ್ನು ತಲುಪಲು ವೈಯಕ್ತಿಕ ಹಾಗೂ ಸಾಮೂಹಿಕ ಚಟುವಟಿಕೆಯ ಎಲ್ಲ ಕಾರ್ಯ ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ಉನ್ನತಿಗಾಗಿ ಶ್ರಮಿಸುವುದು.

(3) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ವಿಧಿಸಲಾದ ನಿಯಮಗಳು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಬೇರೆ ಬೇರೆ ವರ್ಗಗಳಿಗೆ ಬೇರೆ ಬೇರೆಯಾಗಿರಬಹುದು.

(4) (ಎ) ಕೆಳಕಂಡ ಮೂಲಭೂತ ಉದ್ದೇಶಗಳ ಸಂಬಂಧದಲ್ಲಿ ಅಗತ್ಯ ಮಟ್ಟವನ್ನು ಸಾಧಿಸುವಲ್ಲಿ ಮಕ್ಕಳಿಗೆ ನೆರವು ನೀಡಲು ಔಪಚಾರಿಕ ಶಿಕ್ಷಣ ಹಾಗೂ ಅನೌಪಚಾರಿಕ ಶಿಕ್ಷಣ ಈ ಎರಡೂ ವಿಧಾನಗಳಿಗೆ ಸಮಗ್ರ ಅವಕಾಶವನ್ನು ಒದಗಿಸಿ ಆ ಮೂಲಕ ವ್ಯಾಸಂಗ ಕ್ರಮ ಅಭಿವೃದ್ಧಿಪಡಿಸುವ ಮತ್ತು ಶಿಕ್ಷಕರ ಶಿಕ್ಷಣದ ಮೂಲಕ ಉಳಿಸುವ ಮತ್ತು ಪೂರ್ತಿಗೊಳಿಸುವ ಪ್ರಮಾಣಗಳನ್ನು ಸುಧಾರಿಸಿ ಪ್ರಾಥಮಿಕ ಹಂತದ ಶಿಕ್ಷಣವನ್ನು ಸರ್ವ ವ್ಯಾಪಿಯಾಗಿ ಮಾಡುವುದು ಪ್ರಾಥಮಿಕ ಮಟ್ಟದ ಶಿಕ್ಷಣದ ಉದ್ದೇಶವಾಗಿರತಕ್ಕದ್ದು :

(i) ಕನ್ನಡದಲ್ಲಿ ಮತ್ತು ಮಾತೃಭಾಷೆಯಲ್ಲಿ (ಕನ್ನಡ ಮಾತೃಭಾಷೆಯಾಗಿರದ ಸಂದರ್ಭದಲ್ಲಿ) ಅಕ್ಷರ ಜ್ಞಾನ, ಅಂಕಿ ಜ್ಞಾನ ಮತ್ತು ಸಂವಾದ ಇಂಥ ಮೂಲ ನೈಪುಣ್ಯತೆಗಳನ್ನು ಬೆಳೆಸುವುದು ;

(ii) ಭಾರತೀಯ ಸಂಸ್ಕೃತಿ ಮತ್ತು ಇತಿಹಾಸ, ವಿಜ್ಞಾನ, ಆರೋಗ್ಯ ಮತ್ತು ಪೌಷ್ಟಿಕ ಆಹಾರದ ಅಧ್ಯಯನವೂ ಸೇರಿದಂತೆ, ಪ್ರಾಕೃತಿಕ ಹಾಗೂ ಸಾಮಾಜಿಕ ಪರಿಸರದ ಬಗ್ಗೆ ತಿಳಿವಳಿಕೆ ನೀಡುವುದಕ್ಕಾಗಿ ಮತ್ತು ಅವುಗಳೊಂದಿಗೆ ಅರ್ಥ ಪೂರ್ಣವಾಗಿ ಸ್ಪಂದಿಸುವ ಸಲುವಾಗಿ ಜೀವನ ನೈಪುಣ್ಯತೆಗಳನ್ನು ಬೆಳೆಸುವುದು ;

(iii) ಮಕ್ಕಳಿಗೆ ಸ್ವಯಂ ಸಹಾಯ ಮಾಡಿಕೊಳ್ಳುವ ಶಕ್ತಿ ಒದಗಿಸಲು, ಕಾರ್ಯ ಚಟುವಟಿಕೆಗೆ ತಮ್ಮನ್ನು ಹೊಂದಿಸಿಕೊಳ್ಳಲು ಮತ್ತು ಶಕ್ತಿ ನೀಡಲು ಹಾಗೂ ಕೆಲಸ ಮಾಡುವ ಬಗ್ಗೆ ಸರಿಯಾದ ಪ್ರವೃತ್ತಿಗಳನ್ನು ಬೆಳೆಸಿಕೊಳ್ಳಲು “ಕಾರ್ಯಾನುಭವ” ಅಥವಾ “ಸಾಮಾಜಿಕವಾಗಿ ಉಪಯುಕ್ತವಾದ ಉತ್ಪಾದಕ ಕಾರ್ಯ” ಇವುಗಳ ಕಲಿಕೆಯನ್ನು ಪ್ರಾರಂಭಿಸುವುದು

(iv) ನೈತಿಕ ಮೌಲ್ಯಗಳು ಸೇರಿದಂತೆ ಮೌಲ್ಯಗಳ ಸಂವರ್ಧನೆಗೊಳಿಸುವುದು ;

(v) ಹೆಚ್ಚಿನ ಕಲಿಕೆ ಸಂಬಂಧದಲ್ಲಿ ಉತ್ತಮ ಪ್ರವೃತ್ತಿಗಳನ್ನು ಬೆಳೆಸುವುದು ;

(ಬಿ) ವಿದ್ಯಾರ್ಥಿಯನ್ನು ಉನ್ನತ ಶಿಕ್ಷಣದ ಅಧ್ಯಯನಕ್ಕೆ ಅಥವಾ ಉದ್ಯೋಗಾಧಾರಿತ ವೃತ್ತಿವ್ಯಾಸಂಗ ಕ್ರಮಗಳಿಗೆ ಯೋಗ್ಯರನ್ನಾಗಿ ಮಾಡಲು ನಿಯಮಿಸಬಹುದಾದಂಥ ಸಾಮಾನ್ಯ ಶಿಕ್ಷಣ ನೀಡುವುದು ಪ್ರೌಢ ಶಿಕ್ಷಣದ ಮಟ್ಟದಲ್ಲಿ ಶಿಕ್ಷಣದ ಮುಖ್ಯ ಉದ್ದೇಶವಾಗಿರತಕ್ಕದ್ದು; ಹಾಗೆ ನೀಡಲಾಗುವ ಸಾಮಾನ್ಯ ಶಿಕ್ಷಣವು ಇತರ ವಿಷಯಗಳೊಂದಿಗೆ ಕೆಳಕಂಡವುಗಳನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು;

(i) ಪ್ರಾದೇಶಿಕ ಭಾಷೆಯಲ್ಲಿ ಭಾಷಾ ನಿಪುಣತೆ ಮತ್ತು ಸಾಹಿತ್ಯದ ಅಭಿರುಚಿಯನ್ನು ಬೆಳೆಸುವುದು;

(ii) ಪ್ರಾಚೀನ ಭಾಷೆಗಳಲ್ಲಿ ಅಥವಾ ಹಿಂದಿ ಮತ್ತು ಇಂಗ್ಲಿಷ್ ಸೇರಿದಂತೆ ಭಾರತದ ಆಧುನಿಕ ಭಾಷೆಗಳಲ್ಲಿ ಆಯ್ಕೆ ಮಾಡಿದ ಯಾವುದೇ ಎರಡು ಭಾಷೆಗಳಲ್ಲಿ ನಿಯಮಿಸಿದ ಪ್ರವೀಣತೆಯ ಮಟ್ಟವನ್ನು ಪಡೆದುಕೊಳ್ಳುವುದು;

(iii) ಗಣಿತದಲ್ಲಿ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿಯ ಸುತ್ತಲಿನ ಪ್ರಾಕೃತಿಕ ಪರಿಸರವನ್ನು ವಿಶೇಷವಾಗಿ ಗಮನದಲ್ಲಿರಿಸಿ, ಪ್ರಾಕೃತಿಕ ಹಾಗೂ ಜೀವ ವಿಜ್ಞಾನಗಳಲ್ಲಿ ಅಗತ್ಯ ಜ್ಞಾನವನ್ನು ಪಡೆದುಕೊಳ್ಳುವುದು;

(iv) ರಾಜ್ಯ, ದೇಶ ಮತ್ತು ವಿಶ್ವಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅಗತ್ಯವಾದ ಕನಿಷ್ಠ ಜ್ಞಾನವನ್ನು ಪಡೆದುಕೊಳ್ಳುವುದಕ್ಕಾಗಿ, ಇತಿಹಾಸ, ಭೂಗೋಳ ಹಾಗೂ ಪೌರ ನೀತಿಗೆ ವಿಶೇಷ ಗಮನ ನೀಡಿ ಸಮಾಜ ವಿಜ್ಞಾನ ಅಧ್ಯಯನ ಮಾಡುವುದು;

(v) ಪಠ್ಯ ವಿಷಯದ ಅವಿಭಾಜ್ಯ ಅಂಗವಾಗಿ “ಕಾರ್ಯಾನುಭವ” ಅಥವಾ “ಸಾಮಾಜಿಕವಾಗಿ ಉಪಯುಕ್ತವಾದ ಉತ್ಪಾದಕ ಕಾರ್ಯ” ಇವುಗಳ ಕಲಿಕೆಯನ್ನು ಪ್ರಾರಂಭಿಸುವುದು;

(vi) ಕ್ರೀಡೆಗಳು, ಆಟಗಳು, ವ್ಯಾಯಾಮ ಮತ್ತು ಇತರ ಕಲೆಗಳಲ್ಲಿ ತರಬೇತಿ.

(5) ಮಾನ್ಯತೆ ಪಡೆದಿರುವ ಪ್ರತಿಯೊಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ

(ಎ) ಬೋಧನೆಯ ಪಠ್ಯಕ್ರಮವು ಪಠ್ಯ ವಿಷಯಕ್ಕೆ ಮತ್ತು (i) ನೇ ಉಪಪ್ರಕರಣದ ಮೇರಿಗಿನ ಇತರ ಷರತ್ತುಗಳಿಗೆ ಅನುಸಾರವಾಗಿರತಕ್ಕದ್ದು; ಮತ್ತು

(ಬಿ) ನಿಯಮಿಸಲಾದ ಕೆಲಸದ ಸಮಯದ ಯಾವುದೇ ಭಾಗವನ್ನು ಪಠ್ಯ ವಿಷಯಕ್ಕನುಸಾರವಾದ ಬೋಧನೆಯ ಹೊರತಾಗಿ ಇತರ ಯಾವುದೇ ಉದ್ದೇಶಕ್ಕೆ ಉಪಯೋಗಿಸತಕ್ಕದ್ದಲ್ಲ.

ಅಧ್ಯಾಯ - II

ಶಿಕ್ಷಣ ಪ್ರಾಧಿಕಾರಿಗಳು

8. ಅಧಿಕಾರಿಗಳ ನೇಮಕಾತಿ - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಶಿಕ್ಷಣದ ವಿವಿಧ ಅಂಶಗಳ ಬಗ್ಗೆ ವ್ಯವಹರಿಸಲು ಅವಶ್ಯವೆಂದು ತಾನು ಭಾವಿಸುವಷ್ಟು ಇಲಾಖೆಗಳನ್ನು ರಚಿಸತಕ್ಕದ್ದು ಮತ್ತು ಪ್ರತಿ ಇಲಾಖೆಗೆ ಅಥವಾ ಇಲಾಖೆಗಳ ಗುಂಪಿಗೆ ನಿರ್ದೇಶಕನನ್ನು ಅಥವಾ ಕಮೀಷನರನನ್ನು ನೇಮಕ ಮಾಡತಕ್ಕದ್ದು.

(2) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅಂಥ ಪ್ರತಿಯೊಬ್ಬ ನಿರ್ದೇಶಕನಿಗೆ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರಿಗಳನ್ನು ಚಲಾಯಿಸುವಲ್ಲಿ ಮತ್ತು ವಹಿಸಿಕೊಡಲಾದ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುವಲ್ಲಿ ಸಹಾಯ ಮಾಡಲು ಪ್ರತಿ ಇಲಾಖೆಗೆ ಅಥವಾ ಇಲಾಖೆಗಳ ಒಂದು ಗುಂಪಿಗೆ ಹೆಚ್ಚುವರಿ ನಿರ್ದೇಶಕ, ಜಂಟಿ ನಿರ್ದೇಶಕ ಹಾಗೂ ಉಪನಿರ್ದೇಶಕ ಎಂಬ ಪದನಾಮದ ಅಥವಾ ಅನ್ಯಥಾ ಪದನಾಮವುಳ್ಳ ಅವಶ್ಯವಿರಬಹುದಾದಷ್ಟು ಸಂಖ್ಯೆಯ ಅಧಿಕಾರಿಗಳನ್ನು ನೇಮಕ ಮಾಡಬಹುದು.

(3) ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ಈ ಸಂಬಂಧದಲ್ಲಿ ಮಾಡಲಾದ ರಾಜ್ಯ ಸರ್ಕಾರದ ಸಾಮಾನ್ಯ ಅಥವಾ ವಿಶೇಷ ಆದೇಶಗಳ ಉಪಬಂಧಗಳಿಗೆ ಒಳಪಟ್ಟು (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ನೇಮಕಗೊಂಡ ನಿರ್ದೇಶಕನು ಅಥವಾ ಕಮೀಷನರನು, ಅವರು ನಿರ್ದೇಶಕ ಅಥವಾ ಕಮೀಷನರನಾಗಿರುವ ಇಲಾಖೆ ಅಥವಾ ಇಲಾಖೆಗಳ ಗುಂಪಿಗೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆದೇಶದ ಮೂಲಕ ರಾಜ್ಯದಲ್ಲಿನ ಶಿಕ್ಷಣದ ಅಂಥ ಭಾಗದ ಆಡಳಿತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲ ವಿಷಯಗಳಲ್ಲಿ ಮುಖ್ಯ ನಿಯಂತ್ರಣಾಧಿಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು.

(4) ಈ ಅಧಿನಿಯಮದ ಹಾಗೂ ಅದರ ಮೇರೆಗಿನ ನಿಯಮಗಳ ಉಪಬಂಧಗಳ ಸರಿಯಾದ ಅನುಷ್ಠಾನಕ್ಕಾಗಿ ನಿಯಮಿಸಲಾದಂಥ ಕರ್ತವ್ಯಗಳನ್ನು ಹಾಗೂ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಸಲುವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರವು, ರಾಜ್ಯ, ವಿಭಾಗ ಹಾಗೂ ಜಿಲ್ಲಾವುಟ್ಟಗಳಲ್ಲಿ ತಾನು ಉಚಿತವೆಂದು ಯೋಚಿಸಬಹುದಾದಷ್ಟು ಸಂಖ್ಯೆಯ ಜಾಗೃತ ಘಟಕಗಳನ್ನು ರಚಿಸಬಹುದು ಹಾಗೂ ಪ್ರತಿ ಇಲಾಖೆಯಲ್ಲಿ ಪ್ರತಿ ಘಟಕದಲ್ಲಿ ತಾನು ಸೂಕ್ತವೆಂದು ಯೋಚಿಸಬಹುದಾದಷ್ಟು ಸಂಖ್ಯೆಯ ಅಧಿಕಾರಿಗಳನ್ನು ನೇಮಕ ಮಾಡಬಹುದು.

(5) ಈ ಅಧಿನಿಯಮವನ್ನು ಜಾರಿಗೆ ತರುವ ಸಲುವಾಗಿ ನಿಯೋಜಿತರಾದ ಎಲ್ಲ ವ್ಯಕ್ತಿಗಳೂ ರಾಜ್ಯ ಸರ್ಕಾರದ ಮೇಲ್ವಿಚಾರಣೆ, ನಿರ್ದೇಶನ ಮತ್ತು ನಿಯಂತ್ರಣಕ್ಕೆ ಒಳಪಟ್ಟಿರತಕ್ಕದ್ದು ಮತ್ತು ಪ್ರತಿಯೊಬ್ಬ ಅಧಿಕಾರಿಯೂ ಯಾವ ಅಧಿಕಾರಿ ಅಥವಾ ಅಧಿಕಾರಿಗಳಿಗೆ ಅಧೀನವಾಗಿರತಕ್ಕದ್ದು ಎಂಬುದನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿರ್ಧರಿಸತಕ್ಕದ್ದು.

9. ಜಿಲ್ಲಾ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳು ಮತ್ತು ಜಿಲ್ಲಾವುಟ್ಟದ ಅಧೀನ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಿಬ್ಬಂದಿ ವರ್ಗ : -

(1) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಪ್ರತಿ ಜಿಲ್ಲೆಗೆ ಒಬ್ಬ ಅಥವಾ ಹೆಚ್ಚು ಜಿಲ್ಲಾ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳನ್ನು ನೇಮಕ ಮಾಡಬಹುದು ಮತ್ತು ಅಂಥ ಪ್ರತಿಯೊಬ್ಬ ಜಿಲ್ಲಾ ಶಿಕ್ಷಣಾಧಿಕಾರಿಯು, ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ಆತನಿಗೆ ವಹಿಸಲಾದಂಥ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸತಕ್ಕದ್ದು ಮತ್ತು ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸತಕ್ಕದ್ದು.

(2) ಜಿಲ್ಲಾ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗೆ ಸಹಾಯ ನೀಡಲು ಅವಶ್ಯವಾದಷ್ಟು ಸಂಖ್ಯೆಯಲ್ಲಿ ಅಧಿಕಾರಿಗಳು ಹಾಗೂ ಸಿಬ್ಬಂದಿ ವರ್ಗದ ನೇಮಕಾತಿಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಮಂಜೂರಾತಿ ನೀಡಬಹುದು.

(3) (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಂಜೂರಾದ ಹುದ್ದೆಗಳಿಗೆ ನೇಮಕಾತಿಯನ್ನು, ನಿಯಮಿಸಬಹುದಾದಂಥ ಪ್ರಾಧಿಕಾರವು ಅಂಥ ರೀತಿಯಲ್ಲಿ ಮಾಡತಕ್ಕದ್ದು.

(4) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಲಾದ ಅಧಿಕಾರಿಗಳ ಹಾಗೂ ಸಿಬ್ಬಂದಿ ವರ್ಗದವರ

ಅಧಿಕಾರಗಳು ಮತ್ತು ಕರ್ತವ್ಯಗಳು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದು.

10. ಮಂಡಲಿಗಳ ರಚನೆ - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ "ಕರ್ನಾಟಕ ಪ್ರೌಢ ಶಿಕ್ಷಣ ಮಂಡಳಿ", ಎಂದು ಕರೆಯಲಾಗುವ ಒಂದು ಪ್ರೌಢ ಶಿಕ್ಷಣ ಮಂಡಲಿಯನ್ನು ಸ್ಥಾಪಿಸತಕ್ಕದು, ಮತ್ತು ಅದರ ರಚನೆ ಹಾಗೂ ಅಧಿಕಾರಗಳು ಮತ್ತು ಪ್ರಕಾರ್ಯಗಳು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದು, ಮಂಡಳಿಯ ಪ್ರಕಾರ್ಯಗಳು ಕೆಳಕಂಡವುಗಳನ್ನು ಒಳಗೊಳ್ಳತಕ್ಕದು :

(ಎ) ರಾಜ್ಯದಲ್ಲಿ ಪ್ರೌಢ ಶಿಕ್ಷಣದ ಸಮನ್ವಯಿತ ಅಭಿವೃದ್ಧಿಯನ್ನು ಕುರಿತು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸಲಹೆ ಮಾಡುವುದು ; ಮತ್ತು

(ಬಿ) ನಿಯಮಿಸಬಹುದಾದಂಥ ಕನಿಷ್ಠ ಗುಣಮಟ್ಟಕ್ಕೆ ಅನುಸಾರವಾಗಿ ಪರೀಕ್ಷೆಗಳನ್ನು ನಡೆಸುವುದು ಮತ್ತು ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ನೀಡುವುದು.

(2) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ, 'ಉಪಾಧ್ಯಾಯರ ಶಿಕ್ಷಣ ಮಂಡಲಿ, ಕರ್ನಾಟಕ' ಎಂದು ಕರೆಯಲಾಗುವ ಒಂದು ಉಪಾಧ್ಯಾಯರ ಶಿಕ್ಷಣ ಮಂಡಲಿಯನ್ನು ಸ್ಥಾಪಿಸತಕ್ಕದು ಮತ್ತು ಅದರ ರಚನೆ ಮತ್ತು ಅಧಿಕಾರಗಳು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದು. ವ್ಯಾಸಂಗ ಕ್ರಮ, ಉಪಾಧ್ಯಾಯರ ಸೇವಾ ಪೂರ್ವ ಹಾಗೂ ಸೇವಾವಧಿಯಲ್ಲಿನ ತರಬೇತಿ ಹಾಗೂ ಉಪಾಧ್ಯಾಯರ ಶಿಕ್ಷಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಇತರ ವಿಷಯಗಳ ಬಗ್ಗೆ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸಲಹೆ ನೀಡುವುದು ಮಂಡಳಿಯ ಪ್ರಕಾರ್ಯವಾಗಿರತಕ್ಕದು.

(3) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ, "ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಮಂಡಳಿ, ಕರ್ನಾಟಕ" ಎಂದು ಕರೆಯಲಾಗುವ ಒಂದು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಮಂಡಳಿಯನ್ನು ಸ್ಥಾಪಿಸತಕ್ಕದು ಮತ್ತು ಅದರ ರಚನೆ ಮತ್ತು ಅಧಿಕಾರಗಳು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದು.

(2) ಮಂಡಳಿಯ ಪ್ರಕಾರ್ಯಗಳು ಕೆಳಕಂಡಂತಿರತಕ್ಕದು :-

(ಎ) ರಾಜ್ಯದಲ್ಲಿ ಎಲ್ಲ ಹಂತಗಳಲ್ಲಿ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣದ ಸಮನ್ವಯಿತ ಅಭಿವೃದ್ಧಿಯ ಯೋಜನೆಗಳ ಸಂಬಂಧದಲ್ಲಿ, ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸಲಹೆ ನೀಡುವುದು ಅಥವಾ ಅಂಥ ಯೋಜನೆಗಳನ್ನು ಪ್ರಸ್ತಾವಿಸುವುದು;

(ಬಿ) ನಿಯತಕಾಲಿಕವಾಗಿ ಸಂಸ್ಥೆಗಳ ತಪಾಸಣೆ ಮಾಡುವುದು ಮತ್ತು ಪಠ್ಯಕ್ರಮಗಳ ಗುಣಮಟ್ಟ ಹಾಗೂ ಒದಗಿಸಲಾದ ಸಾಂಸ್ಥಿಕ ಸೌಲಭ್ಯಗಳು ತೃಪ್ತಿಕರವಾಗಿವೆಯೇ ಹೇಗೆ ಎಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವುದು ;

(ಇ) ನಿಯಮಿಸಬಹುದಾದ ಇತರ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನೆರವೇರಿಸುವುದು.

(4) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ (1)ರಿಂದ (3)ನೇ ಉಪಪ್ರಕರಣಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದಂಥ ಮಂಡಳಿಗಳಲ್ಲದೆ ನಿಯಮಿಸಬಹುದಾದಂಥ ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಹಾಗೂ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಲು ಇತರ ಮಂಡಳಿಗಳನ್ನೂ ಸ್ಥಾಪಿಸಬಹುದು.

ಅಧ್ಯಾಯ - III

ಕಡ್ಡಾಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣದ ಜಾರಿ

11. ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶಗಳಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವನ್ನು ಕಡ್ಡಾಯಗೊಳಿಸಬೇಕೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ನಿರ್ದೇಶಿಸುವುದು - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಆದೇಶವನ್ನು ಹೊರಡಿಸಿ, ಆ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದಂಥ ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಪ್ರಾರಂಭದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಹಾಗೆ ಅದರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ವಯೋವರ್ಗದ ಮಕ್ಕಳಿಗೆ, ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಯಾವುದೇ ಪ್ರದೇಶದಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವು ಕಡ್ಡಾಯವಾಗತಕ್ಕದ್ದೆಂದು ನಿರ್ದೇಶಿಸಬಹುದು ;

ಪರಂತು, ಐದು ವರ್ಷ ತುಂಬಿದ ಮಗುವಿಗೆ ಶಾಲೆಯಲ್ಲಿ ಪ್ರವೇಶವನ್ನು ನಿರಾಕರಿಸತಕ್ಕದಲ್ಲ.

(2) (1) ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗಿನ ಪ್ರತಿಯೊಂದು ಆದೇಶವನ್ನು -

(ಎ) ಸರ್ಕಾರಿ ಗೆಜೆಟಿನಲ್ಲಿ ಹಾಗೂ ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿರ್ದರಿಸಬಹುದಾದಂಥ ಇತರ ರೀತಿಯಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕದು ;

(ಬಿ) ಆದೇಶದ ಪ್ರಕಟಣೆಯ ದಿನಾಂಕ ಹಾಗೂ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಮೊದಲ ದಿನದ ನಡುವೆ ಮೂವತ್ತು ದಿನಗಳಿಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ಅಂತರವಿರುವ ಹಾಗೂ ಆ ಆದೇಶವನ್ನು ಮಾಡತಕ್ಕದು.

(3) ಯಾವ ಪ್ರದೇಶದ ಮಕ್ಕಳಿಗೆ (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗಿನ ಆದೇಶವು ಅನ್ವಯವಾಗಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾಗಿದೆಯೋ ಆ ಪ್ರದೇಶದ ಎಲ್ಲ ಮಕ್ಕಳಿಗೆ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ ನೀಡಲು ಅವಶ್ಯವಾದ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸಲಾಗಿದೆಯೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಮನದಟ್ಟಾದ ಹೊರತು ಆ ಪ್ರದೇಶದ ಸಂಬಂಧದಲ್ಲಿ ಅಂಥ ಯಾವುದೇ ಆದೇಶವನ್ನು ಮಾಡತಕ್ಕದಲ್ಲ.

12. ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣಕ್ಕಾಗಿ ಯೋಜನೆಗಳು : - (1) ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವಂಥ ಪ್ರದೇಶದ ಪೈಕಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಪ್ರದೇಶದಲ್ಲಿ ಸಾಮಾನ್ಯವಾಗಿ ವಾಸಿಸುವ ಅದು ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ವಯೋ ವರ್ಗದ ಮಕ್ಕಳಿಗಾಗಿ ಅಂಥ ತರಗತಿಯವರೆಗಿನ ಕಡ್ಡಾಯ ಶಿಕ್ಷಣಕ್ಕಾಗಿ ಒಂದು ಯೋಜನೆಯನ್ನು ಸರ್ಕಾರವು ನಿರ್ದಿಷ್ಟಗೊಳಿಸಬಹುದಾದ ಅವಧಿಯೊಳಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದೆಂದು ಆ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ಕೇಳಿಕೊಂಡಾಗ ಪ್ರಾಧಿಕಾರವು ಹಾಗೆ ಯೋಜನೆಯನ್ನು ಒಪ್ಪಿಸತಕ್ಕದು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಲ್ಲಿಸಲಾದ ಯೋಜನೆಯು ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ನಮೂನೆಯಲ್ಲಿ ತಕ್ಕದ್ದು ಮತ್ತು ಅದು ಕೆಳಕಂಡ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದು, ಎಂದರೆ :

(ಎ) ಯಾವ ಪ್ರದೇಶದಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವು ಕಡ್ಡಾಯವಾಗತಕ್ಕದೋ ಆ ಪ್ರದೇಶ;

(ಬಿ) ವಯಸ್ಸು ಮತ್ತು ಮಾತೃಭಾಷೆಗನುಗುಣವಾಗಿ ವರ್ಗೀಕರಿಸಲಾದ ಎಷ್ಟು ಜನ ಮಕ್ಕಳಿಗೆ ಯೋಜನೆಯು ಅನ್ವಯವಾಗುವುದೋ ಅವರ ಸರಿ ಸುಮಾರು ಸಂಖ್ಯೆ;

(ಸಿ) ಯಾವ ಭಾಷೆಗಳಲ್ಲಿ ಶಿಕ್ಷಣವನ್ನು ನೀಡಲಾಗುತ್ತಿದೆಯೋ ಅಥವಾ ನೀಡಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾಗಿದೆಯೋ ಅವುಗಳಿಗನುಸಾರ ವರ್ಗೀಕರಿಸಲಾದ ಅಸ್ತಿತ್ವದಲ್ಲಿರುವ ಮನ್ನಣೆ ಪಡೆದ ಶಾಲೆಗಳ ಪಟ್ಟಿ ಮತ್ತು ಪ್ರಾರಂಭಿಸಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾದ ಶಾಲೆಗಳೇನಾದರೂ ಇದ್ದರೆ ಅವುಗಳ ಪಟ್ಟಿ;

(ಡಿ) ಈಗಾಗಲೇ ನಿಯೋಜಿತರಾದ ಉಪಾಧ್ಯಾಯರ ಹಾಗೂ ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಲು ಉದ್ದೇಶಿಸಲಾದ ಹೆಚ್ಚಿನ ಸಿಬ್ಬಂದಿಯ ಸಂಖ್ಯೆ;

(ಇ) ಯೋಜನೆಯ ಆವರ್ತಕ ಹಾಗೂ ಅನಾವರ್ತಕ ವೆಚ್ಚ; ಮತ್ತು

(ಎಫ್) ನಿಯಮಿಸಬಹುದಾದಂಥ ಇತರ ಯಾವುದೇ ವಿವರಗಳು.

(3) ರಾಜ್ಯ ಸರ್ಕಾರವು, ತಾನು ಅವಶ್ಯವೆಂದು ಪರಿಗಣಿಸಬಹುದಾದ ವಿಚಾರಣೆಯ ಅನಂತರ (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಸಲ್ಲಿಸಿದ ಯೋಜನೆಗೆ ಮಾರ್ಪಾಟು ಮಾಡಿ ಇಲ್ಲದ ಮಾರ್ಪಾಟಿಲ್ಲದೆ ಮಂಜೂರಾತಿ ನೀಡಬಹುದು, ಹಾಗೆ ಮಂಜೂರು ಮಾಡಲಾದ ಯೋಜನೆಯ ಜಾರಿಯು ರಾಜ್ಯ ಸರ್ಕಾರದ ಸಾಮಾನ್ಯ ನಿಯಂತ್ರಣಕ್ಕೆ ಹಾಗೂ ಕಾಲಕಾಲಕ್ಕೆ ನೀಡುವ ನಿರ್ದೇಶನಗಳಿಗೆ ಒಳಪಟ್ಟಿರತಕ್ಕದ್ದು.

(4) ಈ ಯೋಜನೆಯು ಅನ್ವಯವಾಗುವ ಎಲ್ಲ ಮಕ್ಕಳಿಗೂ, ಕಡ್ಡಾಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ ನೀಡುವುದಕ್ಕಾಗಿ ಅವಶ್ಯಕ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸಲು ನಿಯಮಿಸಬಹುದಾದಂಥ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಲಾಗಿದೆ ಎಂದು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಮನದಟ್ಟಾದ ಹೊರತು, ಯಾವುದೇ ಯೋಜನೆಯ ಸಂಬಂಧದಲ್ಲಿ (3)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಂಜೂರಾತಿಯನ್ನು ನೀಡತಕ್ಕದ್ದಲ್ಲ.

(5) (3) ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಂಜೂರಾತಿಯನ್ನು ಪಡೆದ ತರುವಾಯ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಘೋಷಣೆ ಹೊರಡಿಸಿ, ಅದರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ವಯೋವರ್ಗದೊಳಗಿನ ಗಂಡು ಮತ್ತು ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಅಂಥ ವರ್ಗದ ಅಥವಾ ತರಗತಿಯವರೆಗಿನ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವು ಮುಂದಿನ ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಪ್ರಾರಂಭದ ದಿನಾಂಕದಿಂದ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಯಾವುದೇ ಪ್ರದೇಶದಲ್ಲಿ ಕಡ್ಡಾಯವಾಗತಕ್ಕದ್ದೆಂದು ಆ ಮೂಲಕ ಘೋಷಿಸಿ, ಹಾಗೆ ಮಂಜೂರಾದ ಯೋಜನೆಯನ್ನು ಜಾರಿಗೊಳಿಸತಕ್ಕದ್ದು.

(6) (5)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗಿನ ಪ್ರತಿಯೊಂದು ಘೋಷಣೆಯನ್ನು ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ನಿಕಟ ಪೂರ್ವದ ಪ್ರತಿಯೊಂದು ವರ್ಷದ ಎಪ್ರಿಲ್ ಒಂದನೇ ದಿನಕ್ಕೆ ಮುಂಚೆ, ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು ಮತ್ತು ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಕಡ್ಡಾಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣದ ನಿರ್ದೇಶಕನು

ನಿರ್ಧರಿಸಬಹುದಾದ ಇತರ ರೀತಿಯಲ್ಲಿ ಅದನ್ನು ಪ್ರಕಟಿಸತಕ್ಕದು ;

ಪರಂತು, ರಾಜ್ಯ ಸರ್ಕಾರವು, ಉಚಿತ ಮತ್ತು ಸಾಕಷ್ಟು ಕಾರಣಗಳಿದ್ದಾಗ ಯಾವುದೇ ವರ್ಷದಲ್ಲಿ ಅಂಥ ಘೋಷಣೆಯ ಪ್ರಕಟಣೆಯಲ್ಲಿ ಆದ ವಿಳಂಬವನ್ನು ಮನ್ನಾ ಮಾಡಬಹುದು.

(7) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದೇ ಯೋಜನೆಯನ್ನು ಒಪ್ಪಿಸುವಂತೆ ಅಥವಾ (5)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಮುಂಜೂರಾದ ಯೋಜನೆಯನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ತೃಪ್ತಿಯಾಗುವ ಹಾಗೆ ಜಾರಿಗೊಳಿಸುವಂತೆ ಕೋರಿದಾಗ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಹಾಗೆ ಮಾಡಲು ತೃಪ್ತಿಯಲ್ಲಿ ತಾನು ಸೂಕ್ತವೆಂದು ಯೋಚಿಸುವಂಥ ವ್ಯಕ್ತಿಯ ಅಥವಾ ಪ್ರಾಧಿಕಾರದ ಮೂಲಕ ಆ ಯೋಜನೆಯನ್ನು ಒಪ್ಪಿಸುವಂತೆ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಮುಂಜೂರಾದ ಯೋಜನೆಯನ್ನು ಕಾರ್ಯಗತಗೊಳಿಸುವಂತೆ ಮಾಡಬಹುದು. ರಾಜ್ಯ ಸರ್ಕಾರವು ಮುಂಜೂರಾದ ಯೋಜನೆಯನ್ನು ಜಾರಿಗೊಳಿಸುವ ಕಾರ್ಯವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಯಾವುದೇ ಕಾಲದಲ್ಲಿ ವಹಿಸಿಕೊಡಬಹುದು.

13. ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿಗಳು ಮತ್ತು ಅದರ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಕರ್ತವ್ಯಗಳು - (1) 12ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ವಿಷಯಗಳ ಸಂದರ್ಭದಲ್ಲಿ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು, ಮತ್ತು ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ಕಡ್ಡಾಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ ನಿರ್ದೇಶಕನು, ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಅದು ಅಥವಾ ಅವನು ಸೂಕ್ತವೆಂದು ಯೋಚಿಸಬಹುದಾದಷ್ಟು ವ್ಯಕ್ತಿಗಳನ್ನು ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿಗಳೆಂದು ನೇಮಕ ಮಾಡಬಹುದು ಮತ್ತು ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿಗಳಿಗೆ ತಮ್ಮ ಕರ್ತವ್ಯಗಳನ್ನು ನೆರವೇರಿಸುವಲ್ಲಿ ಸಹಾಯ ಮಾಡಲು ಅವಶ್ಯವೆಂದು ಪರಿಗಣಿಸಬಹುದಾದಷ್ಟು ವ್ಯಕ್ತಿಗಳನ್ನು ಸಹ ನೇಮಕ ಮಾಡಬಹುದು.

(2) ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶದಲ್ಲಿ 11ನೇ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಆದೇಶದಲ್ಲಿ ಅಥವಾ 12ನೇ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಯೋಜನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ವಯೋವರ್ಗದೊಳಗಿನ ಮಕ್ಕಳ ಪಟ್ಟಿಯನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ರೀತಿಯಲ್ಲಿ ಸಾಧ್ಯವಾದಷ್ಟು ಬೇಗನೆ ಸಿದ್ಧಪಡಿಸುವಂತೆ ಮಾಡುವುದು ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಮತ್ತು ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿಗಳ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದು. ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಪ್ರತಿಯೊಂದು ಪ್ರದೇಶದಲ್ಲಿ ನಿಯಮಿಸಬಹುದಾದಂಥ ಕಾಲದಲ್ಲಿ ಮತ್ತು ರೀತಿಯಲ್ಲಿ ಪ್ರತಿವರ್ಷವೂ ಕೂಡ ಅಂಥ ಪಟ್ಟಿಗಳನ್ನು ಸಿದ್ಧಪಡಿಸತಕ್ಕದು.

(3) ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿಯು ಅಥವಾ ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿಗೆ ನೆರವು ನೀಡಲು ನೇಮಕಗೊಂಡ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಮಗುವಿನ ತಂದೆ ತಾಯಿಯನ್ನು ಅವರ ಮಗುವನ್ನು ಕುರಿತಂತೆ ಅಥವಾ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಮಗುವಿನ ತಂದೆ ತಾಯಿಯನ್ನು ಅವರ ಮಗುವನ್ನು ಕುರಿತಂತೆ ಅಥವಾ ಯಾವನೇ ವ್ಯಕ್ತಿಯನ್ನು ಆ ಮಗುವಿನ ಸಂಬಂಧದಲ್ಲಿ ಅವನು ಅವಶ್ಯವೆಂದು ಭಾವಿಸುವಂಥ ಪ್ರಶ್ನೆಯನ್ನು ಕೇಳಬಹುದು ಅಥವಾ ಅವಶ್ಯವೆಂದು ಭಾವಿಸುವಂಥ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಲು ಅಗತ್ಯಪಡಿಸಬಹುದು ಮತ್ತು ಅಂಥ ಪ್ರತಿಯೊಬ್ಬ ತಂದೆ ತಾಯಿಯು ತಮಗೆ ತಿಳಿದಿರುವಷ್ಟರ ಮಟ್ಟಿಗೆ ಅಥವಾ ತಾವು ನಂಬಿರುವಷ್ಟರ ಮಟ್ಟಿಗೆ ಅಂಥ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಿಸಲು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಲು ಬದ್ಧರಾಗಿರತಕ್ಕದು.

(4) ಯಾವ ಮಗುವಿಗೆ 11ನೇ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಆದೇಶವು ಅನ್ವಯವಾಗುವುದೋ, ಆದರೆ, 17ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾರ ವಿರುದ್ಧ ಹಾಜರಾತಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿಲ್ಲವೋ, ಆ ಪ್ರತಿಯೊಂದು

ಮಗುವಿನ ತಂದೆ ತಾಯಿಗೆ, ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಪ್ರಾರಂಭದಿಂದ ಮಗುವನ್ನು ಅನುಮೋದಿತ ಶಾಲೆಗೆ ಹಾಜರಾಗುವಂತೆ ಮಾಡುವುದು ಅವನ ಹೊಣೆಯಾಗಿದೆ ಎಂಬುದನ್ನು ತಿಳಿಸುವುದು ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿಯ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

14. ತನ್ನ ಮಗುವನ್ನು ಶಾಲೆಗೆ ಹಾಜರಾಗುವಂತೆ ಮಾಡುವ ಬಗ್ಗೆ ತಂದೆ / ತಾಯಿಯ ಜವಾಬ್ದಾರಿ - ಅನುಮೋದಿತ ಶಾಲೆಗೆ ಹಾಜರಾಗದಿರುವುದಕ್ಕೆ 15ನೇ ಪ್ರಕರಣದ ಅರ್ಥ ವ್ಯಾಪ್ತಿಯೊಳಗೆ, ಪ್ರತಿಯೊಂದು ಮಗುವು ಯುಕ್ತ ಕಾರಣಗಳಿದ್ದ ಹೊರತು, ಆ ಪ್ರತಿಯೊಂದು ಮಗುವನ್ನು ಶಾಲೆಗೆ ಹಾಜರಾಗುವಂತೆ ಮಾಡುವುದು ಆ ಮಗುವಿನ ತಂದೆ / ತಾಯಿಯ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

15. ಶಾಲೆಗೆ ಹಾಜರಾಗದಿರುವುದಕ್ಕೆ ಯುಕ್ತ ಕಾರಣ - ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಕೆಳಕಂಡ ಸಂದರ್ಭಗಳಲ್ಲಿ ಯಾವುದೇ ಸಂದರ್ಭವು, ಒಂದು ಮಗು ಅನುಮೋದಿತ ಶಾಲೆಗೆ ಹಾಜರಾಗದಿರುವುದಕ್ಕೆ ಯುಕ್ತ ಕಾರಣವೆಂಬುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು, ಎಂದರೆ: -

(ಎ) ಮಗುವಿನ ನಿವಾಸ ಸ್ಥಳದಿಂದ ನಿಯಮಿಸಲಾದ ದೂರದೊಳಗೆ ಯಾವುದೇ ಅನುಮೋದಿತ ಶಾಲೆ ಇಲ್ಲದಿರುವುದು;

(ಬಿ) ಮಗುವು, ಪ್ರವೇಶ ಪಡೆಯಬಹುದಾದ ಅನುಮೋದಿತವಾದ ಒಂದೇ ಒಂದು ಶಾಲೆಯು, ಅದರ ನಿವಾಸ ಸ್ಥಳದಿಂದ ನಿಯಮಿಸಲಾದ ಅಂತರದೊಳಗೆ ಇದ್ದರೂ, ಆ ಶಾಲೆಯಲ್ಲಿ ಮಗುವಿನ ತಂದೆ / ತಾಯಿಗೆ ಸಮ್ಮತಿಯಿಲ್ಲದ ಸ್ವರೂಪದ ಧಾರ್ಮಿಕ ಬೋಧನೆ ಕಡ್ಡಾಯವಾಗಿರುವುದು;

(ಸಿ) ಮಗುವು ಇತರ ರೀತಿಯಲ್ಲಿ ಶಿಕ್ಷಣ ಪಡೆಯುತ್ತಿದ್ದು, ಅದನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಈ ಸಂಬಂಧದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಕೃತಗೊಳಿಸಿದ ಅಧಿಕಾರಿಯು ತೃಪ್ತಿಕರವಾಗಿದೆ ಎಂದು ಘೋಷಿಸಿರುವುದು;

(ಡಿ) ಮಗುವು 11ನೇ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ತರಗತಿಯವರೆಗೆ ಕಡ್ಡಾಯಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವನ್ನು ಈಗಾಗಲೇ ಪೂರ್ಣಗೊಳಿಸಿರುವುದು;

(ಇ) ಮಗುವು ಶಾಲೆಗೆ ಹಾಜರಾಗಲು ಸಾಧ್ಯವಾಗದಂಥ ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ನ್ಯೂನತೆಯಿಂದ ಬಳಲುತ್ತಿರುವುದು;

(ಎಫ್) ನಿಯಮಿಸಲಾದ ಪ್ರಾಧಿಕಾರಿಯು, ಅಥವಾ ಈ ಸಂಬಂಧದಲ್ಲಿ ನಿಯಮಿಸಲಾದ ಪ್ರಾಧಿಕಾರಿಯು ಅಧಿಕೃತಗೊಳಿಸಿದ ಯಾವನೇ ಇತರ ವ್ಯಕ್ತಿಯು, ಮಗುವಿಗೆ ನಿಯಮಿಸಲಾದ ಅವಧಿಯನ್ನು ಮೀರದಂತೆ ತಾತ್ಕಾಲಿಕ ಗೈರು ರಜೆಯನ್ನು ಮಂಜೂರು ಮಾಡಿರುವುದು;

(ಜಿ) ಮಗುವು ಶಾಲೆಗೆ ಹಾಜರಾಗದಂತೆ ಪ್ರತಿಬಂಧಿಸುವ ಇತರ ಯಾವುದೇ ಅನಿವಾರ್ಯ ಸನ್ನಿವೇಶ ಇದ್ದು, ಅದನ್ನು ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಿಯು ಹಾಗೆಂದು ಪ್ರಮಾಣೀಕರಿಸಿರುವುದು; ಮತ್ತು

(ಎಚ್) ನಿಯಮಿಸಬಹುದಾದಂಥ ಇತರ ಸಂದರ್ಭಗಳು.

16. ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ನ್ಯೂನತೆ ಇರುವ ಮಕ್ಕಳಿಗಾಗಿ ವಿಶೇಷ ಶಾಲೆಗಳು : - ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ನ್ಯೂನತೆಯಿಂದ ಬಳಲುತ್ತಿರುವ ಮಗುವಿನ ವಾಸಸ್ಥಳದಿಂದ ನಿಯಮಿಸಲಾದ ದೂರದೊಳಗೆ ವಿಶೇಷ ಶಾಲೆಯು ಇದ್ದರೆ, ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರವು ತಾನು ತೃಪ್ತಿಕರವೆಂದು ಪರಿಗಣಿಸುವ ಇತರ ರೀತಿಯಲ್ಲಿ ಯಾವುದೇ ಶಿಕ್ಷಣವನ್ನು ಆ ಮಗುವು ಪಡೆಯುತ್ತಿಲ್ಲವೆಂದು ಮನದಟ್ಟು ಮಾಡಿಕೊಂಡರೆ ಮಗುವು, ಆ ವಿಶೇಷ ಶಾಲೆಗೆ ಹಾಜರಾಗುವಂತೆ ಆದೇಶದ ಮೂಲಕ ಅಗತ್ಯಪಡಿಸಬಹುದು ಮತ್ತು ಆ ಮಗುವು 15ನೇ ಪ್ರಕರಣದ (ಎಫ್) ಖಂಡದ ಅರ್ಥ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಶಾಲೆಗೆ ಹಾಜರಾಗದಿರುವುದಕ್ಕೆ ಯುಕ್ತ ಕಾರಣಗಳಿದ್ದ ಹೊರತು, ಆ ವಿಶೇಷ ಶಾಲೆಗೆ ಆ ಮಗು ಹಾಜರಾಗುವಂತೆ ಮಾಡುವುದು ಅಂಥ ಮಗುವಿನ ತಂದೆ ತಾಯಿಯ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

17. ಹಾಜರಾತಿ ಆದೇಶಗಳು : - (1) ಮಗುವಿನ ತಂದೆ /ತಾಯಿಯು ಮಗುವನ್ನು ಅನುಮೋದಿತ ಶಾಲೆಗೆ ಹಾಜರಾಗುವಂತೆ ಮಾಡಲು ತಪ್ಪಿದ್ದಾರೆಂದು ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರವು ನಂಬಲು ಕಾರಣವಿದ್ದರೆ ಮತ್ತು 15ನೇ ಪ್ರಕರಣದ ಅರ್ಥ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಮಗುವು ಶಾಲೆಗೆ ಹಾಜರಾಗದಿರುವುದಕ್ಕೆ ಯುಕ್ತ ಕಾರಣಗಳಿಲ್ಲದಿದ್ದರೆ, ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಅದು ವಿಚಾರಣೆ ನಡೆಸತಕ್ಕದ್ದು.

(2) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಮಗುವು ಅನುಮೋದಿತ ಶಾಲೆಗೆ ಹಾಜರಾಗಲು ಬದ್ಧವಾಗಿದೆ ಎಂದು ಮತ್ತು 15ನೇ ಪ್ರಕರಣದ ಅರ್ಥ ವ್ಯಾಪ್ತಿಯೊಳಗೆ, ಆ ಮಗುವು ಶಾಲೆಗೆ ಹಾಜರಾಗದಿರಲು ಯುಕ್ತ ಕಾರಣಗಳಿಲ್ಲವೆಂದು, ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ವಿಚಾರಣೆಯ ಫಲಿತಾಂಶವಾಗಿ ಮನದಟ್ಟಾದರೆ ಅದು ನಿಯಮಿಸಲಾದ ನಮೂನೆಯಲ್ಲಿ ಹಾಜರಾತಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿ ಅದರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ದಿನಾಂಕದಿಂದ ಅನುಮೋದಿತ ಶಾಲೆಗೆ ಆ ಮಗು ಹಾಜರಾಗುವಂತೆ ಮಾಡತಕ್ಕದ್ದೆಂದು ಆ ವ್ಯಕ್ತಿಗೆ ನಿರ್ದೇಶನ ನೀಡಬಹುದು.

(3) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ, ಆ ಮಗುವಿನ ಸಂಬಂಧದಲ್ಲಿ ಅವರ ತಂದೆ / ತಾಯಿಗೆ ನೀಡಿದ ಹಾಜರಾತಿ ಆದೇಶವು (6) ನೇ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧಗಳಿಗೊಳಪಟ್ಟು ಈ ಅಧಿನಿಯಮವು ಈ ಮಗುವಿಗೆ ಅನ್ವಯವಾಗುತ್ತಿರುವವರೆಗೂ ಜಾರಿಯಲ್ಲಿರತಕ್ಕದ್ದು.

(4) ಯಾವ ತಂದೆ /ತಾಯಿಗೆ ಅವರ ಮಗುವಿನ ಸಂಬಂಧದಲ್ಲಿ (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಹಾಜರಾತಿಯ ಆದೇಶವನ್ನು ಹೊರಡಿಸಲಾಗಿದೆಯೋ ಆ ತಂದೆ /ತಾಯಿಯು, ಆ ಹಾಜರಾತಿ ಆದೇಶವು ಜಾರಿಯಲ್ಲಿರುವ ಅವಧಿಯಲ್ಲಿ ಆ ಮಗುವಿನ ಅಭಿರಕ್ಷೆಯನ್ನು ಯಾವನೇ ಇತರ ವ್ಯಕ್ತಿಗೆ ವರ್ಗಾಯಿಸಿದರೆ, ಅಂಥ ತಂದೆ /ತಾಯಿಯು ಅಂಥ ವರ್ಗಾವಣೆಯ ಬಗ್ಗೆ ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಆ ಕೂಡಲೇ ಲಿಖಿತದಲ್ಲಿ ತಿಳಿಸಲು ಬದ್ಧರಾಗಿರತಕ್ಕದ್ದು.

(5) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ, ಯಾರೇ ತಂದೆ /ತಾಯಿಗೆ ಅವರ ಮಗುವಿನ ಸಂಬಂಧದಲ್ಲಿ ಹಾಜರಾತಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸಲಾಗಿರುವಲ್ಲಿ ಅಂಥ ಆದೇಶವು, ಮೂಲತಃ ಯಾವ ವ್ಯಕ್ತಿಯ ವಿರುದ್ಧ ಅದನ್ನು ಹೊರಡಿಸಲಾಗಿದ್ದೋ ಆ ವ್ಯಕ್ತಿಯ ಸಂಬಂಧದಲ್ಲಿ ಯಾವ ಪರಿಣಾಮವನ್ನು ಹೊಂದಿತ್ತೋ ಅದೇ ರೀತಿ, ಆ ಹಾಜರಾತಿ ಆದೇಶವು ಜಾರಿಯಲ್ಲಿರುವ ಅವಧಿಯಲ್ಲಿ ಆ ಮಗುವಿನ ಅಭಿರಕ್ಷೆಯನ್ನು ಯಾವ ಇತರ ವ್ಯಕ್ತಿಗೆ ವರ್ಗಾಯಿಸಲಾಗಿದೆಯೋ ಆ ಯಾವನೇ ಇತರ ವ್ಯಕ್ತಿಯ ಸಂಬಂಧದಲ್ಲಿ ಪರಿಣಾಮ ಹೊಂದಿರತಕ್ಕದ್ದು.

(6) ಯಾರೇ ತಂದೆ / ತಾಯಿಯು

(ಎ) ತಾನು ಆ ಮಗುವಿನ ಪಾಲಕನಾಗಿ ಅಥವಾ ಅದರ ವಾಸ್ತವಿಕ ಅಭಿರಕ್ಷೆಯನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯಾಗಿ ಉಳಿದಿಲ್ಲವೆಂಬ ಕಾರಣದ ಮೇಲೆ; ಅಥವಾ

(ಬಿ) ಹಾಜರಾಗದಿರುವುದಕ್ಕೆ ಯುಕ್ತ ಕಾರಣವಿರುವ ಪರಿಸ್ಥಿತಿ ಉಂಟಾಗಿದೆ ಎಂಬ ಕಾರಣದ ಮೇಲೆ

- ಹಾಜರಾತಿ ಆದೇಶವನ್ನು ರದ್ದುಗೊಳಿಸುವಂತೆ ಕೋರಿ, ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಬಹುದು.

- ಮತ್ತು ಆ ತರುವಾಯ ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರವು ನಿಯಮಿಸಿದ ರೀತಿಯಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆಸಿದ ತರುವಾಯ ಈ ಹಾಜರಾತಿ ಆದೇಶವನ್ನು ರದ್ದುಪಡಿಸಬಹುದು ಅಥವಾ ಮಾರ್ಪಡಿಸಬಹುದು.

18. ಮಕ್ಕಳು ಶಾಲೆಗೆ ಹಾಜರಾಗುವುದಕ್ಕೆ ಅಡ್ಡಿಯಾಗುವ ಹಾಗೆ ಅವರನ್ನು ಕೆಲಸಕ್ಕೆ ತೊಡಗಿಸದಿರುವುದು : ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಅನುಮೋದಿತ ಶಾಲೆಗೆ ಮಗುವು ಹಾಜರಾಗುವುದನ್ನು ಅಡ್ಡಪಡಿಸುವ ರೀತಿಯಲ್ಲಿ ಅದನ್ನು ಕೆಲಸಕ್ಕೆ ತೊಡಗಿಸತಕ್ಕದಲ್ಲ.

19. ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವು ಉಚಿತವಾಗಿರತಕ್ಕದ್ದು : - (1) ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಅಥವಾ ಶಾಲಾ ಮಂಡಳಿಯ ಆಡಳಿತದಲ್ಲಿರುವ ಅನುಮೋದಿತ ಶಾಲೆಗೆ ಹಾಜರಾಗುವ ಮಗುವಿನ ಸಂಬಂಧದಲ್ಲಿ ಯಾವುದೇ ಶುಲ್ಕವನ್ನು ವಿಧಿಸತಕ್ಕದಲ್ಲ.

(2) 17ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದೇ ಮಗುವಿನ ಸಂಬಂಧದಲ್ಲಿ ಹಾಜರಾತಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿರುವಲ್ಲಿ ಮತ್ತು ಅದು ಹಾಜರಾಗಬಹುದಾದ ಶಾಲೆಯು 2ನೇ ಪ್ರಕರಣದ (3)ನೇ ಖಂಡದ (ಬಿ) ಉಪಖಂಡದ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಬರುವ ಖಾಸಗಿ ಆಡಳಿತದ ಅಧೀನದಲ್ಲಿರುವ ಅನುಮೋದಿತ ಶಾಲೆಯಾಗಿರುವಲ್ಲಿ ಶಾಲಾ ಮಂಡಳಿಯು ಅಥವಾ ಕಡ್ಡಾಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ ನಿರ್ದೇಶಕರು, ಆ ಮಗು ಅಲ್ಲಿ ಪಡೆಯುವ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವು ಉಚಿತವಾಗಿದೆ ಎಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ತಾನು ಸೂಕ್ತವೆಂದು ಯೋಚಿಸುವಂಥ ಕ್ರಮಕೈಗೊಳ್ಳಬಹುದು.

20. ಮಗುವಿನ ವಯಸ್ಸನ್ನು ಲೆಕ್ಕ ಹಾಕುವುದು :- ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳಿಗಾಗಿ, ಮಗುವಿನ ವಯಸ್ಸನ್ನು, ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಪ್ರಾರಂಭದ ದಿನದಂದು ಅಥವಾ ಅದಕ್ಕೆ ಮುಂಚೆ, ಆ ಮಗುವಿಗೆ ತುಂಬುವ ಪೂರ್ಣ ವರ್ಷಗಳನ್ನು ಆಧರಿಸಿ ಲೆಕ್ಕ ಹಾಕತಕ್ಕದ್ದು :

ಪರಂತು, ಮಗುವಿನ ಜನ್ಮ ದಿನವು, ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಮೊದಲನೇ ದಿನಾಂಕದಿಂದ ಆರವತ್ತು ದಿನಗಳೊಳಗೆ ಬರುವಲ್ಲಿ ಮಗುವಿನ ವಯಸ್ಸನ್ನು ಲೆಕ್ಕ ಹಾಕುವ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಅದರ ಜನ್ಮ ದಿನಾಂಕವು ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಮೊದಲನೇ ದಿನಾಂಕದಂದು ಬರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - IV

ಪರೀಕ್ಷೆಗಳು ಮತ್ತು ದುರಾಚರಣೆಗಳು ಇತ್ಯಾದಿಗಳನ್ನು ತಡೆಯುವುದು

21. ಪರಿಭಾಷೆಗಳು - ಈ ಅಧ್ಯಾಯದಲ್ಲಿ 22ನೇ ಪ್ರಕರಣವನ್ನು ಹೊರತುಪಡಿಸಿ, -

(ಎ) “ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು” ಎಂದರೆ, ಯಾವುದೇ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ, ವಿಶ್ವವಿದ್ಯಾನಿಲಯಕ್ಕೆ ಸಂಯೋಜಿತವಾದ ಅಥವಾ ಅವರು ನಿರ್ವಹಿಸುವ ಯಾವುದೇ ಕಾಲೇಜು, ಯಾವುದೇ ಜ್ಯೂನಿಯರ್ ಕಾಲೇಜು, ಪ್ರಾಥಮಿಕ, ಪ್ರೌಢ ಅಥವಾ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣವನ್ನು ನೀಡುತ್ತಿರುವ ಯಾವುದೇ ಶಾಲೆ ಅಥವಾ ಸಂಸ್ಥೆ ಮತ್ತು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪ್ರೌಢ ಶಿಕ್ಷಣ ಪರಿಷ್ಠಾ ಮಂಡಳಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಮಂಡಳಿ, ಕರ್ನಾಟಕ ಪದವಿ ಪೂರ್ವ ಶಿಕ್ಷಣ ಮಂಡಳಿ ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರವು ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಅಧಿಸೂಚಿಸಬಹುದಾದಂಥ ಇತರ ಸಂಸ್ಥೆ ಅಥವಾ ಸಂಸ್ಥೆಗಳ ವರ್ಗ ;

(ಬಿ) “ಪರೀಕ್ಷೆ” ಎಂದರೆ, ತತ್ಕಾಲದಲ್ಲಿ ಅನುಸೂಚಿ II ರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಪರೀಕ್ಷೆ ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರವು ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚಿಸಬಹುದಾದಂಥ ಇತರ ಪರೀಕ್ಷೆ ಮತ್ತು ಇದರಲ್ಲಿ ಮೌಲ್ಯಮಾಪನ, ಅಂಕಪಟ್ಟಿ ತಯಾರಿಕೆ, ಫಲಿತಾಂಶಗಳ ಪ್ರಕಟಣೆ ಹಾಗೂ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಇತರ ಎಲ್ಲ ವಿಷಯಗಳು ಒಳಗೊಳ್ಳುತ್ತವೆ ;

(ಸಿ) ಯಾವ ವ್ಯಕ್ತಿಗೆ ಯಾವುದೇ ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಕೆಲಸವನ್ನು ವಹಿಸಲಾಗಿದೆಯೋ ಆ ವ್ಯಕ್ತಿಯ ಸಂಬಂಧದಲ್ಲಿ “ಕೆಲಸ ಮಾಡಲು ನಿರಾಕರಿಸುವುದು” ಎಂದರೆ, ಅನುಮತಿ ನೀಡಲು ಸಕ್ಷಮವಾದ ಪ್ರಾಧಿಕಾರದ ಅಂಥ ಅನುಮತಿ ಇಲ್ಲದೆ, ಕೆಲಸದ ದಿನದಂದು ಮತ್ತು ಕೆಲಸದ ವೇಳೆಯಲ್ಲಿ ಕೆಲಸದ ಸ್ಥಳದಲ್ಲಿ ಹಾಜರಾಗಲು ತಪ್ಪುವುದು ಅಥವಾ ಆ ಸ್ಥಳದಿಂದ ಗೈರುಹಾಜರಾಗುವುದು ಅಥವಾ ಕೆಲಸ ನಿಂತು ಹೋಗುವಂತೆ ಅಥವಾ ಕೆಲಸವು ಗಮನಾರ್ಹವಾಗಿ ನಿಧಾನವಾಗುವಂತೆ ಅಥವಾ ಹಾಗೆ ಆಗುವ ಸಂಭವವಿರುವಂತೆ ಆತ ಕೆಲಸ ಮಾಡಲು ನಿರಾಕರಿಸುವುದು ಅಥವಾ ಅವನು ಇನ್ನಾವುದೇ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಳ್ಳುವುದು ಮತ್ತು “ಕೆಲಸ ಮಾಡಲು ನಿರಾಕರಿಸುವುದು” ಎಂಬ ಪದಗಳನ್ನು ಅವುಗಳ ಎಲ್ಲ ವ್ಯಾಪಕರಣ ವ್ಯತ್ಯಾಸಗಳೊಂದಿಗೆ ಹಾಗೂ ಸಜಾತೀಯ ಪದಾವಳಿಗಳೊಂದಿಗೆ ತದನುಸಾರವಾಗಿ ಅರ್ಥೈಸತಕ್ಕದ್ದು ; ಮತ್ತು

(ಡಿ) ಯಾವುದೇ ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ “ದುರಾಚರಣೆ” ಎಂದರೆ ಬರೆದ, ಧ್ವನಿ ಮುದ್ರಿಸಿದ, ಬೆರಳಚ್ಚು ಮಾಡಿದ ಅಥವಾ ಮುದ್ರಿಸಿದ ಯಾವುದೇ ಸಾಮಗ್ರಿಯಿಂದ ಅಥವಾ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಯಾವುದೇ ವ್ಯಕ್ತಿಯಿಂದ ಸಹಾಯವನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದು ಅಥವಾ ಯಾವನೇ ವ್ಯಕ್ತಿಗೆ ಸಹಾಯ ಮಾಡುವುದು ಅಥವಾ ತೆಗೆದುಕೊಳ್ಳಲು ಅಥವಾ ನೀಡಲು ಪ್ರಯತ್ನಿಸುವುದು.

22. ಪರೀಕ್ಷೆಗಳು : - (1) ಆಂತರಿಕ ಮೌಲ್ಯಮಾಪನವಿರುವ ಅಥವಾ ಬಾಹ್ಯ ಮೌಲ್ಯ ಮಾಪನವಿರುವ ಅಥವಾ ಭಾಗಶಃ ಆಂತರಿಕ ಮತ್ತು ಭಾಗಶಃ ಬಾಹ್ಯವಾಗಿರುವ, ಪರೀಕ್ಷಾ ಪದ್ಧತಿಯನ್ನು ವಿದ್ಯಾರ್ಥಿ ಮೌಲ್ಯ ಮಾಪನ ಪದ್ಧತಿಯ ವಿಶ್ವಾಸಾರ್ಹವಾದ ಮತ್ತು ಪರಿಣಾಮಕಾರಿಯಾದ ಪದ್ಧತಿಯಾಗುವ ಹಾಗೆ ಅದನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ವಿನಿಯಮಿಸತಕ್ಕದ್ದು.

(2) ಪರೀಕ್ಷಾ ಪದ್ಧತಿಯನ್ನು ಜಾರಿಗೊಳಿಸುವುದು ಮತ್ತು ಪರೀಕ್ಷೆಗಳನ್ನು ನಡೆಸುವುದು ಮತ್ತು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ವಿವಿಧ ವರ್ಗಗಳು ಯಾವ ಪರೀಕ್ಷಾ ಪದ್ಧತಿಯ ಕ್ರಮವನ್ನು ಅನುಸರಿಸಬೇಕೋ ಆ ಪರೀಕ್ಷಾ ಪದ್ಧತಿಯ ಕ್ರಮ ಇವುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲ ವಿಷಯಗಳ ಬಗ್ಗೆ ಸರ್ಕಾರವು ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.

23. ಪರೀಕ್ಷಾ ಕೆಲಸವನ್ನು ವಹಿಸಿಕೊಡಲಾದ ಕೆಲವು ವ್ಯಕ್ತಿಗಳ ಕರ್ತವ್ಯಗಳು - ಯಾವನೇ ವ್ಯಕ್ತಿಯು, -

(ಎ) ಯಾವುದೇ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆಯನ್ನು ಸಿದ್ಧಪಡಿಸುವವನಾಗಿ ಅವನನ್ನು ನೇಮಕ ಮಾಡಿರುವಲ್ಲಿ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಈ ಸಂಬಂಧದಲ್ಲಿ ನೇಮಕ ಪ್ರಾಧಿಕಾರಿಯು ಅವನಿಗೆ ಲಿಖಿತವಾಗಿ ಕೊಟ್ಟಿರುವ ಸೂಚನೆಗಳ ಹೊರತಾಗಿ, ತಾನು ಸಿದ್ಧಪಡಿಸಿದ ಪ್ರಶ್ನೆಪತ್ರಿಕೆಯನ್ನು ಅಥವಾ ಅದರ ಪ್ರತಿಯನ್ನು ಯಾವ ವ್ಯಕ್ತಿಗೂ ಒದಗಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಒದಗಿಸುವಂತೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅಂಥ ಪತ್ರಿಕೆಯ ವಿಷಯಗಳನ್ನು ತಿಳಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಅದರ ಬಗ್ಗೆ ಪ್ರಚಾರ ಮಾಡತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ

(ಬಿ) ಪರೀಕ್ಷೆಯ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಿದ್ಧಪಡಿಸಿದ ಯಾವುದೇ ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆಯನ್ನು ಮುದ್ರಿಸುವ, ಸೈಕ್ಲೋಸ್ಟೆಲ್ ಮಾಡುವ, ಬೆರಳಚ್ಚು ಮಾಡುವ ಅಥವಾ ಇತರ ರೀತಿಯಲ್ಲಿ ಯಾವ ಪ್ರತಿ ಮಾಡುವ ಕೆಲಸವನ್ನು ಅವನಿಗೆ ವಹಿಸಿಕೊಟ್ಟಿರುವಲ್ಲಿ, ಆ ಕೆಲಸವನ್ನು ಅವನಿಗೆ ವಹಿಸಿಕೊಟ್ಟ ಪ್ರಾಧಿಕಾರಿಯು ನೀಡಿದ ಲಿಖಿತ ಸೂಚನೆಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಹೊರತಾಗಿ, ಯಾವ ವ್ಯಕ್ತಿಗೂ ಅದರ ಪ್ರತಿಯನ್ನು ಒದಗಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಒದಗಿಸುವಂತೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅದರ ಒಳಾಂಶಗಳನ್ನು ತಿಳಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅದರ ಬಗ್ಗೆ ಪ್ರಚಾರ ಮಾಡತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ

(ಸಿ) ಯಾವುದೇ ಪರೀಕ್ಷೆಯ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಿದ್ಧಪಡಿಸಲಾದ ಯಾವುದೇ ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆಯ ಅಭಿರಕ್ಷೆಯನ್ನು ವಹಿಸಲಾಗಿರುವ ಅಥವಾ ಅನ್ಯಥಾ ಅವುಗಳನ್ನು ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಂಡಿರುವ ವ್ಯಕ್ತಿಯು, ಅವುಗಳ ಅಭಿರಕ್ಷೆಯನ್ನು ಅಥವಾ ಸ್ವಾಧೀನತೆಯನ್ನು ಅವನಿಗೆ ವಹಿಸಿಕೊಟ್ಟ ಪ್ರಾಧಿಕಾರದ ಲಿಖಿತ ಸೂಚನೆಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಹೊರತು, ಯಾವ ವ್ಯಕ್ತಿಗೂ ಅದರ ಪ್ರತಿಯನ್ನು ಒದಗಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಹಂಚತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಒದಗಿಸುವಂತೆ ಅಥವಾ ಹಂಚುವಂತೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅದರ ಒಳಾಂಶವನ್ನು ತಿಳಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಅದಕ್ಕೆ ಪ್ರಚಾರ ನೀಡತಕ್ಕದ್ದಲ್ಲ.

24. ಪರೀಕ್ಷೆಗಳಲ್ಲಿ ಕಾಪಿ, ಇತ್ಯಾದಿಗಳನ್ನು ಮಾಡುವುದಕ್ಕೆ ನಿಷೇಧ - ಯಾವ ವ್ಯಕ್ತಿಯು ಪರೀಕ್ಷಾ ಭವನದಲ್ಲಿ, ಅಥವಾ ಅದರ ಹತ್ತಿರದಲ್ಲಿ ಯಾವುದೇ ಪುಸ್ತಕದಿಂದ, ವಾರ ಟಿಪ್ಪಣಿಗಳಿಂದ ಅಥವಾ ಇತರ ಅಭ್ಯರ್ಥಿಗಳ ಉತ್ತರ ಪತ್ರಿಕೆಗಳಿಂದ, ಪರೀಕ್ಷೆಗಾಗಿ ಸಿದ್ಧಪಡಿಸಿದ ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆಗಳಿಗೆ ಉತ್ತರಗಳನ್ನು ಕಾಪಿ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಇತರ ಅಕ್ರಮ ವಿಧಾನವನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದಲ್ಲ;

ಪರಂತು, ಅಂಥ ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಿಸಿದ ನಿಯಮಗಳ ಮೇರೆಗೆ ಅನುಮತಿಸಲಾದ ಪುಸ್ತಕಗಳಿಂದ ಅಥವಾ ಸಾಮಗ್ರಿಗಳಿಂದ ಆ ರೀತಿ ಹಾಯವನ್ನು ಅಂಥ ವ್ಯಕ್ತಿಯು ಪಡೆಯುವುದಕ್ಕೆ ಈ ಪ್ರಕರಣದಲ್ಲಿರುವುದು ಯಾವುದೂ ಅಡ್ಡಿಪಡಿಸತಕ್ಕದ್ದಲ್ಲ.

25. ಬೇರೊಬ್ಬನಂತೆ ನಟಿಸಿ ಪರೀಕ್ಷೆಗಳಲ್ಲಿ ಹಾಜರಾಗುವುದಕ್ಕೆ ನಿಷೇಧ - ಯಾವ ವ್ಯಕ್ತಿಯೂ, ಯಾವ ಇತರ ವ್ಯಕ್ತಿಗಾಗಿ ಅಥವಾ ಪರವಾಗಿ ಪರೀಕ್ಷೆಗೆ ಹಾಜರಾಗತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅದರಲ್ಲಿ ಬರೆಯತಕ್ಕದ್ದಲ್ಲ.

26. ಪರೀಕ್ಷಾ ಕೇಂದ್ರದ ಸಮೀಪ ಅಲೆದಾಡುವುದಕ್ಕೆ ಪ್ರತಿಬಂಧ - ಯಾವ ವ್ಯಕ್ತಿಯೂ, ತನ್ನ ಕರ್ತವ್ಯಗಳ

ನಿರ್ವಹಣೆಗಾಗಿ ಹೊರತು, ಅಥವಾ ತನ್ನ ಮೇಲಾಧಿಕಾರಿಗಳ ಆದೇಶದ ಪಾಲನೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಹೊರತು, ಪರೀಕ್ಷೆ ನಡೆದಿರುವಾಗ ಅಥವಾ ಯಾವುದೇ ಪರೀಕ್ಷೆ ಸಂಬಂಧದಲ್ಲಿ ಮೌಲ್ಯ ಮಾಪನ ಅಥವಾ ಅಂಕಪಟ್ಟಿ ತಯಾರಿಕೆ ಕಾರ್ಯ ನಡೆದಿರುವಾಗ ಮತ್ತು ಅಂಥ ಪರೀಕ್ಷೆಯ ಮೌಲ್ಯ ಮಾಪನದ ಅಥವಾ ಅಂಕಪಟ್ಟಿ ತಯಾರಿಕೆ ಕಾರ್ಯವು ಪ್ರಾರಂಭವಾಗುವುದಕ್ಕೆ ಒಂದು ಗಂಟೆ ಮೊದಲು, ಪರೀಕ್ಷೆಯ ಮೌಲ್ಯ ಮಾಪನ ಅಥವಾ ಅಂಕಪಟ್ಟಿಯ ತಯಾರಿಕೆ ಕಾರ್ಯವು ನಡೆಯುತ್ತಿರುವ ಕಟ್ಟಡದೊಳಗೆ ಅಥವಾ ಅಂಥ ಕಟ್ಟಡದಿಂದ ಒಂದು ನೂರು ಮೀಟರ್ ಅಂತರದೊಳಗಿರುವ ಯಾವುದೇ ಸಾರ್ವಜನಿಕ ಅಥವಾ ಖಾಸಗಿ ಸ್ಥಳದೊಳಗೆ ಅಲೆದಾಡತಕ್ಕದ್ದಲ್ಲ;

ಪರಂತು, ಈ ಪ್ರಕರಣದಲ್ಲಿರುವುದಾದರೂ, ಅಂಥ ವ್ಯಕ್ತಿಯ ಪ್ರಾಮಾಣಿಕ ಚಟುವಟಿಕೆಗಳಿಗೆ ಅನ್ವಯವಾಗತಕ್ಕದ್ದಲ್ಲ.

27. ಪರೀಕ್ಷೆಯಲ್ಲಿ ಬರೆದ ಉತ್ತರಗಳು, ಮುಂತಾದುವುಗಳ ಬದಲಾವಣೆ - ಯಾವ ವ್ಯಕ್ತಿಯೂ -

(ಎ) ಪರೀಕ್ಷೆ ನಡೆಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ನಿಯಮಗಳು ಅಥವಾ ಆದೇಶಗಳ ಅನುಸಾರವಾಗಿ ಹೊರತು -

(i) ಅಂಥ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಪರಿಕ್ಷಾರ್ಥಿ ಬರೆದ ಉತ್ತರಗಳನ್ನು ಬದಲಾವಣೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ಅದನ್ನು ಮಾರ್ಪಾಟು ಮಾಡತಕ್ಕದ್ದಲ್ಲ. ವ್ಯತ್ಯಾಸ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ತಿದ್ದುಪಡಿ ಮಾಡತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ

(ii) ಉತ್ತರ ಪತ್ರಿಕೆಗೆ ಅಥವಾ ಅದರ ಯಾವುದೇ ಭಾಗಕ್ಕೆ ಹೆಚ್ಚುವರಿ ಉತ್ತರ ಪುಸ್ತಕಗಳನ್ನು ಅಥವಾ ಹಾಳೆಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅದರಿಂದ ತೆಗೆಯತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಬೇರೊಂದು ಉತ್ತರ ಪತ್ರಿಕೆಯನ್ನು ಅದರ ಬದಲಿಯಾಗಿ ಹಾಕತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ

(ಬಿ) ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಅಥವಾ ಗೊತ್ತಿದ್ದೂ -

ಪರಿಕ್ಷಾರ್ಥಿಗೆ ಪರೀಕ್ಷೆಯಲ್ಲಿ ನೀಡಲಾದ ಅಥವಾ ನೀಡಲು ಉದ್ದೇಶಿಸಲಾದ ಅಂಕಗಳನ್ನು ಅಕ್ರಮವಾಗಿ ಹೆಚ್ಚಿಸುವ ಅಥವಾ ಕಡಿಮೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ -

(i) ಉತ್ತರ ಪತ್ರಿಕೆಯಲ್ಲಿ ಅಥವಾ ಅಂಕಗಳ ರಿಜಿಸ್ಟ್ರಿನಲ್ಲಿ ಅಥವಾ ಅಂಥ ಪಟ್ಟಿಯಲ್ಲಿ ತಪ್ಪು ನಮೂದನೆಗಳನ್ನು ಮಾಡತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ

(ii) ಯಾವನೇ ಅಭ್ಯರ್ಥಿಯು ಪಡೆದುಕೊಂಡ ಅಂಕಗಳನ್ನು ತಪ್ಪಾಗಿ ಕೂಡಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಪುನಃ ಕೂಡಿಸತಕ್ಕದ್ದಲ್ಲ;

(iii) ಕಂಪ್ಯೂಟರಿಗೆ ತಪ್ಪು ಅಂಕಿ ಅಂಶಗಳನ್ನು ಒದಗಿಸತಕ್ಕದ್ದಲ್ಲ.

28. ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಕೆಲಸಗಳನ್ನು ಮಾಡುವುದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ನೌಕರರ ಕರ್ತವ್ಯವಾಗಿರುವುದು - ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಅಥವಾ ಯಾವುದೇ ಒಪ್ಪಂದದಲ್ಲಿ ಅಥವಾ ಯಾವುದೇ ನ್ಯಾಯಾಲಯದ ಅಥವಾ ನ್ಯಾಯಾಧಿಕರಣದ ಯಾವುದೇ ತೀರ್ಪಿನಲ್ಲಿ ಡಿಕ್ರಿಯಲ್ಲಿ ಅಥವಾ ಆದೇಶದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದಾಗ್ಯೂ, ಯಾವುದೇ ಪರೀಕ್ಷೆಯ ಸಂಬಂಧದಲ್ಲಿ ತನಗೆ

ವಹಿಸಿಕೊಡಲಾದ ಯಾವುದೇ ಕೆಲಸ ಮಾಡುವುದು ಪ್ರತಿಯೊಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಅಧಿಕಾರಿಯು, ಉಪಾಧ್ಯಾಯನ ಅಥವಾ ಇತರ ನೌಕರನ ಮತ್ತು ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಸೇವೆಯಲ್ಲಿರುವ ಅಥವಾ ಅದರಿಂದ ವೇತನ ಅಥವಾ ಸಂಭಾವನೆಯನ್ನು ಪಡೆಯುವ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - V

ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳ ವರ್ಗೀಕರಣ ಮತ್ತು ನೋಂದಣಿ

29. ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ವರ್ಗೀಕರಣ - ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ವರ್ಗೀಕರಿಸತಕ್ಕದ್ದು :

(ಎ) ರಾಜ್ಯ ಸಂಸ್ಥೆಗಳು, ಎಂದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರದ ಮೂಲಕ ಸ್ಥಾಪಿತವಾದ ಅಥವಾ ಅದರ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಮತ್ತು ಆಡಳಿತದಲ್ಲಿರುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ;

(ಬಿ) ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಸಂಸ್ಥೆಗಳು, ಎಂದರೆ, ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಮೂಲಕ ಸ್ಥಾಪಿತವಾದ ಅಥವಾ ಅದರ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಮತ್ತು ಆಡಳಿತದಲ್ಲಿರುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು, ಮತ್ತು

(ಸಿ) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು, ಎಂದರೆ, ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ನೋಂದಾಯಿಸಲಾದ ಹಾಗೂ ಒಬ್ಬ ವ್ಯಕ್ತಿಯ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯದ ಮೂಲಕ ಸ್ಥಾಪಿತವಾದ ಅಥವಾ ಅವನ ಅಥವಾ ಅದರ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಮತ್ತು ಆಡಳಿತದಲ್ಲಿರುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು.

30. ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ನೋಂದಣಿ: - (1) ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಅನ್ವಯಿಸಬಹುದಾದುದನ್ನುಳ್ಳದು, ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕದಂದು ಅಥವಾ ಅದಕ್ಕೆ ಮುಂಚೆ ಸ್ಥಾಪಿತವಾದ ಅಥವಾ ಆ ತರುವಾಯ ಸ್ಥಾಪಿಸಲು ಉದ್ದೇಶಿಸಿರುವ, ಪ್ರತಿಯೊಂದು ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಸಂಸ್ಥೆಯು ಮತ್ತು ಪ್ರತಿಯೊಂದು ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು, ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇರೆಗಿನ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ನೋಂದಾಯಿತವಾಗತಕ್ಕದ್ದು.

(2) ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಥವಾ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು, ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೋಂದಾಯಿತವಾಗತಕ್ಕ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ಹಾಗೆ ನೋಂದಾಯಿತವಾದ ಹೊರತು ಅದನ್ನು ಸ್ಥಾಪಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ನಡೆಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ನಿರ್ವಹಿಸತಕ್ಕದ್ದಲ್ಲ.

31. ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ನೋಂದಾಯಿಸುವ ಕಾರ್ಯ ವಿಧಾನ: - (1) ಈ ಕೆಳಕಂಡಂತೆ ಉದ್ದೇಶಿಸುವ ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಅಥವಾ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಥವಾ ನೋಂದಾಯಿತವಾದ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವು, ನಿಯಮಿಸಬಹುದಾದಂಥ ಫೀಜಿನೊಂದಿಗೆ, ಅಂಥ ಅವಧಿಯೊಳಗೆ ಮತ್ತು ಅಂಥ ರೀತಿಯಲ್ಲಿ, ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಂಥ ಸಂಸ್ಥೆಯ ನೋಂದಣಿಗಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು :

(ಎ) ಶಿಕ್ಷಣ ನೀಡುವ ಸಂಸ್ಥೆಯನ್ನು ಸ್ಥಾಪಿಸಲು; ಅಥವಾ

(ಬಿ) ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕದಂದು ಅಥವಾ ಅದಕ್ಕೂ ಮೊದಲು ಸ್ಥಾಪಿತವಾದ ಮತ್ತು ಅಂಥ ದಿನಾಂಕದಂದು ಅಸ್ತಿತ್ವದಲ್ಲಿರುವ ಶಿಕ್ಷಣವನ್ನು ನೀಡುವ ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ವಹಿಸಲು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಒಂದು ಸಂಸ್ಥೆಯ ನೋಂದಣಿಯನ್ನು ಮಾಡಿಕೊಳ್ಳುವಾಗ, ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು.

(ಎ) ಆ ಸ್ಥಳದ ಜನರಿಗೆ ಶೈಕ್ಷಣಿಕ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸುವ ಅಗತ್ಯವಿದೆ ಅಥವಾ ಆ ಸಂಸ್ಥೆಯು ಒದಗಿಸಲು ಉದ್ದೇಶಿಸಿರುವ ಬಗೆಯ ಶಿಕ್ಷಣದ ಅಗತ್ಯವಿದೆ ಎಂಬ ಬಗ್ಗೆ;

(ಬಿ) ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ನಿಯಮಿಸಿದ ರೀತಿಯಲ್ಲಿ ಸಂಸ್ಥೆಯನ್ನು ಸಮರ್ಪಕವಾಗಿ ನಿರ್ವಹಿಸಿ ಮುಂದುವರಿಸಿಕೊಂಡು ಹೋಗಲು ಸಾಕಷ್ಟು ಹಣಕಾಸಿನ ಏರ್ಪಾಡು ಇದೆ ಎಂಬ ಬಗ್ಗೆ;

(ಸಿ) ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ಮಲ ಮತ್ತು ಆರೋಗ್ಯಕರವಾದ ಪರಿಸರದಲ್ಲಿ ನಿರ್ಮಿಸಲು ಉದ್ದೇಶಿಸಲಾಗಿದೆ ಎಂಬ ಬಗ್ಗೆ;

(ಡಿ) ಒದಗಿಸಲು ಉದ್ದೇಶಿಸಲಾದ ಕಟ್ಟಡದ ನಿವೇಶನ, ಆಟದ ಮೈದಾನ ಹಾಗೂ ಉದ್ಯಾನವನ ಮತ್ತು ಸಂಸ್ಥೆಯನ್ನು ಪ್ರಾರಂಭಿಸಲು ಉದ್ದೇಶಿಸಲಾದ ಕಟ್ಟಡ - ಇವು ಆ ಬಗ್ಗೆ ನಿಯಮಿಸಲಾದ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿವೆ ಎಂಬ ಬಗ್ಗೆ;

(ಇ) ರಾಜ್ಯ ಸರ್ಕಾರವು ವಿದ್ಯಾರ್ಹತೆಯ ಬಗ್ಗೆ ರಚಿಸಿದ ನಿಯಮಗಳಿಗನುಸಾರ ಅರ್ಹರಾದ ಶೋಧಕ ಸಿಬ್ಬಂದಿ ವರ್ಗವನ್ನು ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಲಾಗಿದೆ ಅಥವಾ ಮಾಡಿಕೊಳ್ಳಲಾಗುವುದು ಎಂಬ ಬಗ್ಗೆ; ಮತ್ತು

(ಎಫ್) ಅರ್ಜಿಯಲ್ಲಿ ಒದಗಿಸಿದ ವಿವರಗಳು ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇರೆಗೆ ರಚಿಸಿದ ನಿಯಮಗಳ ಮತ್ತು ಆದೇಶಗಳ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸಿದ ಅವಶ್ಯಕತೆಗಳಿಗೆ ಅನುಗುಣವಾಗಿದೆ ಎಂಬ ಬಗ್ಗೆ

- ಯುಕ್ತಗಮನವನ್ನು ನೀಡತಕ್ಕದ್ದು.

(3) ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ಅರ್ಜಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ದಿನಾಂಕದಿಂದ ಮೂರು ತಿಂಗಳು ಅವಧಿಯೊಳಗೆ -

(ಎ) ನೋಂದಣಿ ಬಗ್ಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅಥವಾ ನಿಯಮಿಸಿದ ಷರತ್ತುಗಳನ್ನು ಪೂರೈಸಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಆ ಸಂಸ್ಥೆಯನ್ನು ನೋಂದಾಯಿಸತಕ್ಕದ್ದು ಮತ್ತು ನಿಯಮಿಸಿದ ನಮೂನೆಯಲ್ಲಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೀಡತಕ್ಕದ್ದು; ಅಥವಾ

(ಬಿ) ಅಂಥ ಷರತ್ತುಗಳ ಪಾಲನೆಯ ಸಂಬಂಧದಲ್ಲಿನ ಅವಧಿಯನ್ನು ಕಾಲಕಾಲಕ್ಕೆ ನಿರ್ದಿಷ್ಟಪಡಿಸತಕ್ಕದ್ದು ಅಥವಾ ವಿಸ್ತರಿಸತಕ್ಕದ್ದು;

ಪರಂತು, ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ಅವಶ್ಯಕವೆಂದು ಭಾವಿಸಿದಲ್ಲಿ, ನೋಂದಾಯಿಸುವುದಕ್ಕೆ ಅಥವಾ ನೋಂದಾಯಿಸಲು ನಿರಾಕರಿಸುವುದಕ್ಕೆ ಮೊದಲು, 37ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ರಚಿಸಲಾದ ತಜ್ಞರ ಮಂಡಲಿಯಿಂದ ಅಂಥ ಸಂಸ್ಥೆಯ ಅಗತ್ಯವಿದೆಯೋ ಹೇಗೆ ಎಂಬ ಬಗ್ಗೆ ವರದಿಯನ್ನು ತರಿಸಿಕೊಂಡು ಪರಿಶೀಲಿಸಬಹುದು.

(4) (3) ನೇ ಉಪಪ್ರಕರಣದ (ಬಿ) ಖಂಡದ ಮೇರೆಗೆ ಯಾವುದೇ ಅವಧಿಯನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವಾಗ ಅಥವಾ ವಿಸ್ತರಿಸಿರುವಾಗ, ನೋಂದಣಿಯ ಸಲುವಾಗಿ ನಿಯಮಿಸಿದ ಅಥವಾ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಷರತ್ತುಗಳನ್ನು ಅಂಥ ಅವಧಿಯೊಳಗೆ ಈಡೇರಿಸಿದಲ್ಲಿ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ಆ ಸಂಸ್ಥೆಯನ್ನು ನೋಂದಾಯಿಸಬಹುದು ಮತ್ತು ನಿಯಮಿಸಿದ ನಮೂನೆಯಲ್ಲಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೀಡಬಹುದು, ಆದರೆ, ಹಾಗೆ ಈಡೇರಿಸದಿದ್ದಲ್ಲಿ ನೋಂದಣಿಯನ್ನು ನಿರಾಕರಿಸತಕ್ಕದು. ಪ್ರತಿಯೊಂದು ನಿರಾಕರಣೆ ಆದೇಶವು ಬರಹದಲ್ಲಿರತಕ್ಕದು ಮತ್ತು ಆ ಕುರಿತು ಸಂಬಂಧಪಟ್ಟ ಅರ್ಜಿದಾರನಿಗೆ ತಿಳಿಸತಕ್ಕದು.

(5) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೋಂದಣಿಯಾದ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗವು, (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಒದಗಿಸಿದ ಯಾವುದೇ ವಿವರಗಳಲ್ಲಿ ಮಾಡಿದ ಯಾವುದೇ ಮಾರ್ಪಾಡಿನ ಬಗ್ಗೆ ಅಥವಾ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚಿರುವುದರ ಬಗ್ಗೆ ನಿಯಮಿಸಬಹುದಾದಂಥ ಪ್ರವೃತ್ತದಲ್ಲಿ ಅಂಥ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ಸಮಯದೊಳಗೆ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದು ಮತ್ತು ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ಅಂಥ ತಿಳಿವಳಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ತರುವಾಯ ರಿಜಿಸ್ಟ್ರಿನಲ್ಲಿ ಮತ್ತು ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಅವಶ್ಯವಿರುವೆಲ್ಲಾ ತಿದ್ದುಪಡಿ ಮಾಡತಕ್ಕದು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಆ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ರದ್ದುಗೊಳಿಸಬಹುದು.

32. ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳನ್ನು ಮೇಲ್ವರ್ಗೀಕರಿಸುವುದು ಇತ್ಯಾದಿ :- (1) ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಅಥವಾ ಯಾವನೇ ವ್ಯಕ್ತಿ ಅಥವಾ ನೋಂದಾಯಿತ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವು ;

(ಎ) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ನೋಂದಣಿಯಾದ ಶಿಕ್ಷಣ ನೀಡುವ ಸಂಸ್ಥೆಯಲ್ಲಿ ಉನ್ನತ ತರಗತಿಗಳನ್ನು ಪ್ರಾರಂಭಿಸಲು ; ಅಥವಾ

(ಬಿ) ಅಂಥ ಯಾವುದೇ ಸಂಸ್ಥೆಯನ್ನು ಮೇಲ್ವರ್ಗೀಕರಿಸಲು

- ಉದ್ದೇಶಿಸಿದಲ್ಲಿ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಆ ಬಗ್ಗೆ ಮಂಜೂರಾತಿ ಅಥವಾ ಅನುಮತಿ ಕೋರಿ ನಿಯಮಿಸಬಹುದಾದಂಥ ಅವಧಿಯೊಳಗೆ ಮತ್ತು ಅಂಥ ಶುಲ್ಕದೊಡನೆ ಅಂಥ ಪ್ರವೃತ್ತದಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಬಹುದು.

(2) ಗೊತ್ತುಪಡಿಸಬಹುದಾದಂಥ ನಿಯಮಗಳಿಗೆ ಒಳಪಟ್ಟು 31ನೇ ಪ್ರಕರಣದ (2) ರಿಂದ (3)ರ ವರೆಗಿನ ಉಪಪ್ರಕರಣಗಳ ಉಪಬಂಧಗಳು ಯಥೋಚಿತ ವ್ಯತ್ಯಾಸಗಳೊಂದಿಗೆ ಅಂಥ ಅರ್ಜಿಯ ಮೇಲೆ ಅನುಮತಿ ನೀಡುವುದಕ್ಕೆ ಅನ್ವಯವಾಗತಕ್ಕದು.

33. ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ನೋಂದಣಿ :- (1) 30ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಈ

ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕಕ್ಕೆ ಮೊದಲು ಮನ್ನಣೆಗೆ ಅನ್ವಯಿಸಬಹುದಾದ ನಿಯಮಗಳಿಗೆ ಮತ್ತು ಆದೇಶಗಳಿಗೆ ಅನುಸಾರವಾಗ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಅಂಥ ಮನ್ನಣೆಯನ್ನು ನೀಡಲು ಸಕ್ಷಮವಾದ ಪ್ರಾಧಿಕಾರವು ಅಂಥ ಮನ್ನಣೆ ನೀಡಿರುವಲ್ಲಿ ಮತ್ತು ಸಂದರ್ಭಾನುಸಾರವಾಗಿ ಆ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಅಥವಾ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗವು ಅಂಥ ದಿನಾಂಕದಿಂದ ಆರು ತಿಂಗಳುಗಳ ಅವಧಿಯೊಳಗೆ ನಿಯಮಿಸಲಾದ ನಮೂನೆಯಲ್ಲಿ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ನಿರೂಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದಲ್ಲಿ ಅಂಥ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ಅಂಥ ಸಂಸ್ಥೆಯನ್ನು ನೋಂದಣಿ ಮಾಡತಕ್ಕದ್ದು.

(2) (1) ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ನೋಂದಣಿ ಬಗ್ಗೆ ಯಾವುದೇ ಫೀಸು ಸಂದಾಯವಾಗತಕ್ಕದ್ದಲ್ಲ.

(3) (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಸಂಸ್ಥೆಯು ಅಥವಾ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ಉಪಬಂಧಗಳಿಗೆ ಅನುಸಾರವಾಗಿಲ್ಲವೆಂದು ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಅದು ಸಂಬಂಧಪಟ್ಟ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ, ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗಕ್ಕೆ ಅದು ಅನುಮತಿಸಬಹುದಾದಂಥ ಅವಧಿಯೊಳಗೆ ಅಥವಾ ವಿಸ್ತೃತ ಅವಧಿಯೊಳಗೆ ಆ ಸಂಸ್ಥೆಯು ಆ ಉಪಬಂಧಗಳಿಗೆ ಅನುಸಾರವಾಗಿರುವಂತೆ ಮಾಡಲು ನಿರ್ದೇಶಿಸಬಹುದು.

34. ನೋಂದಣಿ ರದ್ದಿಯಾತಿ: - (1) ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಯಾವುದೇ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಅಥವಾ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಸಂಸ್ಥೆಯ ಸಂಬಂಧದಲ್ಲಿ;

(ಎ) 31ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ನೋಂದಣಿಗಾಗಿ ನಿಯಮಿಸಲಾದ ಅಥವಾ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಯಾವುದೇ ಷರತ್ತನ್ನು ಅಥವಾ ನೋಂದಣಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಅಥವಾ ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಲಾಗಿದೆಯೆಂದು ; ಅಥವಾ

(ಬಿ) 33ನೇ ಪ್ರಕರಣದ (3)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗಕ್ಕೆ ನೀಡಿದ ನಿರ್ದೇಶನವನ್ನು ಅದು ಉಲ್ಲಂಘಿಸಿದೆ ಎಂದರು

- ಕಂಡುಬಂದಲ್ಲಿ ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸುವಂಥ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಿದ ತರುವಾಯ, ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗಕ್ಕೆ ಅಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳಲು ಸೂಕ್ತ ಅವಕಾಶವನ್ನು ಕೊಟ್ಟ ತರುವಾಯ, ಸಂಸ್ಥೆಯ ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ರದ್ದುಗೊಳಿಸಲು ಮತ್ತು ರಿಜಿಸ್ಟರಿನಿಂದ ಅದರ ಹೆಸರನ್ನು ತೆಗೆದುಹಾಕಲು ಆದೇಶಿಸಬಹುದು. ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗಕ್ಕೆ ಮತ್ತು ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಂಥ ಪ್ರತಿಯೊಂದು ಆದೇಶವನ್ನು ಕುರಿತು ತಿಳಿಸತಕ್ಕದ್ದು.

35. ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಗಳ ನೋಂದಣಿ: - (1) (ಎ) ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದಂದು ಮತ್ತು ಆತರುವಾಯ, ಮುಂಚಿತವಾಗಿ ನೋಂದಣಿ ಮಾಡದೇ ಯಾವುದೇ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯನ್ನು ಪ್ರಾರಂಭಿಸತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಅಂಥ ನೋಂದಣಿಗಾಗಿ ನಿಯಮಿಸಬಹುದಾದಂಥ ಫೀಜಿನೊಂದಿಗೆ, ಗೊತ್ತುಪಡಿಸಲಾದ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

(ಬಿ) ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದಲ್ಲಿ ಅಸ್ತಿತ್ವದಲ್ಲಿದ್ದ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯ ಸಂದರ್ಭದಲ್ಲಿ, ಅಂಥ ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ವಹಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವು ಅಂಥ ಪ್ರಾರಂಭದಿಂದ ತೊಂಭತ್ತು ದಿನಗಳೊಳಗೆ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ನೋಂದಣಿಗಾಗಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಯಾವ ಅರ್ಜಿಯನ್ನು ಹಾಗೆ ಸಲ್ಲಿಸದಿದ್ದಲ್ಲಿ ಅಥವಾ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು (2) ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಂಸ್ಥೆಯ ನೋಂದಣಿಯನ್ನು ನಿರಾಕರಿಸುವ ಆದೇಶವನ್ನು ಅವನಿಗೆ ತಿಳಿಸಿದಲ್ಲಿ, ಅಂಥ ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ವಹಿಸುವ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವು, ಮೇಲೆ ತಿಳಿಸಿದ ತೊಂಭತ್ತು ದಿನಗಳ ಅವಧಿಯು ಮುಕ್ತಾಯವಾದ ದಿನಾಂಕದಿಂದ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಅಂಥ ನಿರಾಕರಣೆಯ ಆದೇಶವನ್ನು ತಿಳಿಸಿದ ದಿನಾಂಕದಿಂದ ಸಂಸ್ಥೆಯನ್ನು ನಡೆಸತಕ್ಕದ್ದಲ್ಲ.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅರ್ಜಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ತರುವಾಯ, ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ನಿಯಮಿಸಲಾದ ಎಲ್ಲ ವಿವರಗಳನ್ನು ಅರ್ಜಿಯು ಒಳಗೊಂಡಿದೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬ ಬಗ್ಗೆ ಮತ್ತು ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯು ಆವರಣಗಳ ನೈರ್ಮಲಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಷರತ್ತಿನ ಬಗ್ಗೆ ನಿಯಮಿಸಲಾದ ಕನಿಷ್ಠ ಅವಶ್ಯಕತೆಗಳನ್ನು ಪಾಲಿಸಿದೆಯೇ ಎಂಬ ಬಗ್ಗೆ ಮತ್ತು ಬೋಧಕ ಸಿಬ್ಬಂದಿ ವರ್ಗದ ವಿದ್ಯಾರ್ಹತೆಗಳ ಬಗ್ಗೆ ಮನವರಿಕೆ ಮಾಡಿಕೊಂಡ ತರುವಾಯ, ನೋಂದಣಿ ಉದ್ದೇಶಕ್ಕಾಗಿ ನಿರ್ವಹಿಸತಕ್ಕ ಪ್ರತ್ಯೇಕ ರಿಜಿಸ್ಟ್ರಿನಲ್ಲಿ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯನ್ನು ನೋಂದಣಿ ಮಾಡಿಕೊಳ್ಳಬಹುದು ಅಥವಾ ನೋಂದಣಿಯನ್ನು ನಿರಾಕರಿಸಬಹುದು ಮತ್ತು ಸಂಸ್ಥೆಯನ್ನು ಹಾಗೆ ನೋಂದಣಿ ಮಾಡಿಕೊಂಡಾಗ, ನಿಯಮಿಸಲಾದ ಪ್ರಪತ್ರದಲ್ಲಿ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯ ಹೆಸರಿನಲ್ಲಿ ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೀಡತಕ್ಕದ್ದು.

(3) ಹಾಗೆ ನೋಂದಣಿಯಾದ ಪ್ರತಿಯೊಂದು ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ವಹಿಸುವ ವ್ಯಕ್ತಿಯು ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವು, ಪ್ರತಿಯೊಂದು ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಮುಕ್ತಾಯದ ತರುವಾಯ ಎರಡು ತಿಂಗಳುಗಳೊಳಗೆ, ಶೈಕ್ಷಣಿಕ ವರ್ಷದಲ್ಲಿ ಅದು ಒದಗಿಸಿದ ಬೋಧನಾ ಸೌಲಭ್ಯಗಳ ಬಗ್ಗೆ ವಾರ್ಷಿಕ ವರದಿಯನ್ನು ತಯಾರಿಸಿ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸತಕ್ಕದ್ದು.

(4) ಹಾಗೆ ನೋಂದಣಿಯಾದ ಪ್ರತಿಯೊಂದು ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ವಹಿಸುವ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವು (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಒದಗಿಸಿದ ಯಾವುದೇ ವಿವರಗಳಲ್ಲಿ ಯಾವುದೇ ಬದಲಾವಣೆಯನ್ನು ಮಾಡಿದಲ್ಲಿ ಅದರ ಬಗ್ಗೆ ಅಥವಾ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚಿದ ಬಗ್ಗೆ ನಿಯಮಿಸಬಹುದಾದಂಥ ಪ್ರಪತ್ರದಲ್ಲಿ ಅಂಥ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ಸಮಯದೊಳಗೆ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು ಮತ್ತು ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ಅಂಥ ಮಾಹಿತಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ಮೇಲೆ (2)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ರಿಜಿಸ್ಟ್ರಿನಲ್ಲಿ ಮತ್ತು ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಅವಶ್ಯಕವೆನಿಸಿದೆಯೆಲ್ಲ ತಿದ್ದುಪಡಿ ಮಾಡತಕ್ಕದ್ದು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ರದ್ದುಗೊಳಿಸತಕ್ಕದ್ದು ಮತ್ತು ಆ ಬಗ್ಗೆ ಅಧಿಸೂಚಿಸಬಹುದು.

(5) ಯಾವುದೇ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ವಹಿಸಿಕೊಂಡು ಹೋಗುವ ವ್ಯಕ್ತಿಯು ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವು ಅಂಥ ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ವಹಿಸುವಂಥ ವ್ಯಕ್ತಿಗೆ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯಕ್ಕೆ ಯಾವ ಷರತ್ತಿಗಳಿಗೊಳಪಟ್ಟು ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೀಡಲಾಗಿದೆಯೋ ಅಂಥ ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವನೆಂದು ಅಥವಾ ಉಲ್ಲಂಘಿಸಿದೆಯೆಂದು ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ಅಭಿಪ್ರಾಯಪಟ್ಟಲ್ಲಿ,

ಅದು ಅಂಥ ವ್ಯಕ್ತಿಗೆ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯಕ್ಕೆ ಮನವಿಯನ್ನು ಮಾಡಿಕೊಳ್ಳುವ ಅವಕಾಶವನ್ನು ಕೊಟ್ಟು ತರುವಾಯ, ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರವು ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ರದ್ದುಗೊಳಿಸಬಹುದು ಮತ್ತು (2)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ರಿಜಿಸ್ಟ್ರಾರಿನಿಂದ ಸಂಸ್ಥೆಯ ಹೆಸರನ್ನು ತೆಗೆದುಹಾಕಬಹುದು ಮತ್ತು ಆ ಬಗ್ಗೆ ಅಧಿಸೂಚಿಸಬಹುದು.

ಅಧ್ಯಾಯ - VI

ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಮನ್ನಣೆ ನೀಡುವುದು ಇತ್ಯಾದಿ

36. ಮನ್ನಣೆ - (1) ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ನಿಯಮಗಳ ಉಪಬಂಧಗಳನುಸಾರವಾಗಿ ನೋಂದಣಿಯಾದ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಮನ್ನಣೆ ನೀಡಬಹುದು.

(2) ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳನ್ನು ಈಡೇರಿಸುವುದಕ್ಕೆ ಒಳಪಟ್ಟು ಮನ್ನಣೆ ನೀಡಲಾಗುವುದು, ಎಂದರೆ;

(ಎ) ನಿಯಮಿಸಲಾದ ಮೊಬಲಗಿನ ಭದ್ರತಾ ಠೇವಣಿಯನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಸಮಯದೊಳಗೆ ಸಂದಾಯ ಮಾಡತಕ್ಕದ್ದು;

(ಬಿ) ಸಂಸ್ಥೆಯನ್ನು ಭದ್ರ ತಳಹದಿಯ ಮೇಲೆ ನಡೆಸಲು ಸಾಕಷ್ಟು ನಿಧಿಗಳನ್ನು ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗವು ಹೊಂದಿರತಕ್ಕದ್ದು ಅಥವಾ ಹೊಂದುವ ಭರವಸೆ ಅದಕ್ಕೆ ಇರತಕ್ಕದ್ದು; ಮತ್ತು

(ಸಿ) ಬೋಧಕ ಮತ್ತು ಇತರ ಸಿಬ್ಬಂದಿ ವರ್ಗದ ವಸತಿ, ನೇಮಕಾತಿ ಮತ್ತು ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗವು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕಾದ ಹಾಗೂ ಅನುಸರಿಸಬೇಕಾದ ನೀತಿ ಸಂಹಿತೆ, ಪೀಠೋಪಕರಣ ಮತ್ತು ಸಲಕರಣೆಗಳು, ಪಠ್ಯಕ್ರಮ, ಪಠ್ಯಪುಸ್ತಕಗಳು ಇವುಗಳ ಬಗ್ಗೆ ನಿಯಮಿಸಬಹುದಾದಂಥ ಇತರ ಸಾಮಾನ್ಯ ಅಥವಾ ವಿಶೇಷ ಷರತ್ತುಗಳು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಇತರ ವಿಷಯಗಳು.

(3) ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಸಂಸ್ಥೆಗಾಗಿ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಾಗಿ ಮನ್ನಣೆ ಪಡೆಯಲು ಬಯಸುವ ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಅಥವಾ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗವು ನಿಯಮಿಸಬಹುದಾದಂಥ ವಿವರಗಳೊಂದಿಗೆ ಅಂಥ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ಫೀಜಿನೊಂದಿಗೆ ಅರ್ಜಿಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

(4) ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು, ಅರ್ಜಿಯು ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿದೆಯೆಂಬ ಬಗ್ಗೆ ತಾನು ಮನದಟ್ಟು ಮಾಡಿಕೊಂಡ ತರುವಾಯ (6)ರಿಂದ (8)ರ ವರೆಗಿನ ಉಪಪ್ರಕರಣಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಅರ್ಜಿಯನ್ನು ವಿಲೆ ಮಾಡಬಹುದು ಅಥವಾ ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಿದಲ್ಲಿ, 37ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದ (ಬಿ) ಖಂಡದ ಮೇರೆಗೆ ತಜ್ಞ ಮಂಡಳಿಯಿಂದ ವರದಿಯನ್ನು ಪಡೆದುಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಅದಕ್ಕೆ ಅರ್ಜಿಯನ್ನು ಕಳುಹಿಸಿಕೊಡಬಹುದು.

(5) ತಜ್ಞಮಂಡಲಿಯು, (4)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಕಳುಹಿಸಿಕೊಡಲಾದ ಅರ್ಜಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ಅನಂತರ ನಿಯಮಿಸಬಹುದಾದಂಥ ಸಮಯದೊಳಗೆ ತನ್ನ ವರದಿಯ ಜೊತೆಗೆ ಅರ್ಜಿಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಹಿಂತಿರುಗಿಸತಕ್ಕದು.

(6) ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ತಜ್ಞಮಂಡಲಿಯಿಂದ ಸ್ವೀಕರಿಸಿದ ವರದಿಯೇನಾದರೂ ಇದ್ದಲ್ಲಿ ಅದನ್ನು ಪರಿಶೀಲಿಸಿದ ತರುವಾಯ ಮತ್ತು ತಾನು ಅವಶ್ಯಕವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಪರಿವೀಕ್ಷಣೆ ಅಥವಾ ತನಿಖೆಯನ್ನು ನಡೆಸಿದ ತರುವಾಯ, ಲಿಖಿತ ಆದೇಶದ ಮೂಲಕ, -

(ಎ) ಅಂಥ ಸಂಸ್ಥೆಗಳಿಗೆ ಮನ್ನಣೆ ನೀಡಲು ಅನ್ವಯವಾಗುವ ಎಲ್ಲ ಷರತ್ತುಗಳನ್ನು ಈಡೇರಿಸಿದ್ದರೆ ಅದಕ್ಕೆ ಮನ್ನಣೆ ನೀಡತಕ್ಕದು ;

(ಬಿ) ಅಂಥ ಪ್ರಾಧಿಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅಥವಾ ವಿಸ್ತರಿಸಿದ ಅವಧಿಯೊಳಗೆ ಮನ್ನಣೆ ನೀಡಲು ಇರುವ ಷರತ್ತುಗಳನ್ನು ಈಡೇರಿಸುವುದಕ್ಕೆ ಒಳಪಟ್ಟು, ತಾತ್ಕಾಲಿಕವಾಗಿ ಅನುಮೋದನೆ ನೀಡತಕ್ಕದು ;

ಪರಂತು, ಹಾಗೆ ತಾತ್ಕಾಲಿಕವಾಗಿ ಅನುಮೋದನೆ ನೀಡಿದ ಅವಧಿಯಲ್ಲಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ವಿದ್ಯಾರ್ಥಿಗಳ ಯಾವುದೇ ಹೊಸ ತಂಡವನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದಲ್ಲ.

(7) (6)ನೇ ಉಪಪ್ರಕರಣದ (ಬಿ) ಖಂಡದ ಮೇರೆಗೆ ಅವಧಿಯನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ್ದರೆ ಅಥವಾ ವಿಸ್ತರಿಸಿದ್ದರೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು, ಅಂಥ ಅವಧಿಯು ಮುಕ್ತಾಯವಾದ ತರುವಾಯ, ಕೂಡಲೇ 37ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ತಜ್ಞಮಂಡಲಿಯಿಂದ ವರದಿಯನ್ನು ಅಥವಾ ಹೆಚ್ಚಿನ ವರದಿಯನ್ನು ಪಡೆಯತಕ್ಕದು ; ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ವರದಿ ಅಥವಾ ಹೆಚ್ಚಿನ ವರದಿ ಯಾವುದಾದರೂ ಇದ್ದಲ್ಲಿ ಅದನ್ನು ಪರ್ಯಾಲೋಚಿಸಿ ಅಗತ್ಯವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಪರಿಶೀಲನೆಯನ್ನು ಅಥವಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಿದ ತರುವಾಯ, ಮಾನ್ಯತೆ ನೀಡಿಕೆಗೆ ಅಂಥ ಸಂಸ್ಥೆಗಳಿಗೆ ಅನ್ವಯವಾಗಬಹುದಾದ ಎಲ್ಲ ಷರತ್ತುಗಳನ್ನು ಆ ಸಂಸ್ಥೆಗಳು ಈಡೇರಿಸಿದ್ದರೆ ಲಿಖಿತ ಆದೇಶದ ಮೂಲಕ ಮಾನ್ಯತೆ ನೀಡತಕ್ಕದು ಅಥವಾ ಅಂಥ ಸಂಸ್ಥೆಗಳು ಅಂಥ ಷರತ್ತುಗಳನ್ನು ಈಡೇರಿಸದೇ ಇದ್ದರೆ ಕಾರಣಗಳನ್ನು ದಾಖಲು ಮಾಡಿ ಮಾನ್ಯತೆಯನ್ನು ನಿರಾಕರಿಸತಕ್ಕದು ;

ಪರಂತು, ಅರ್ಜಿದಾರನಿಗೆ ಅಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳಲು ಅವಕಾಶವನ್ನು ನೀಡಿದ ಹೊರತು ಆ ಮಾನ್ಯತೆಯನ್ನು ಹಾಗೆ ನಿರಾಕರಿಸತಕ್ಕದಲ್ಲ.

(8) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಾನ್ಯತೆಯನ್ನು ಮಂಜೂರು ಮಾಡುವ ಅಥವಾ ನಿರಾಕರಿಸುವ ಬಗ್ಗೆ ಮಾಡಿದ ಪ್ರತಿಯೊಂದು ಆದೇಶವನ್ನು ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಮತ್ತು ಅರ್ಜಿದಾರನಿಗೆ ತಿಳಿಸತಕ್ಕದು.

37. ತಜ್ಞಮಂಡಲಿ : - ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿಯಮಿಸಬಹುದಾದಂಥ ನಿಯಮಗಳೊಳಪಟ್ಟು ಕೆಳಕಂಡ ಉದ್ದೇಶಗಳಿಗಾಗಿ ತಾನು ಅವಶ್ಯವೆಂದು ಭಾವಿಸಬಹುದಾದಷ್ಟು ತಜ್ಞಮಂಡಲಿಗಳನ್ನು ರಚಿಸತಕ್ಕದು : -

(ಎ) ಸ್ಥಳೀಯ ಪ್ರದೇಶದಲ್ಲಿನ ಜನರಿಗೆ ಶೈಕ್ಷಣಿಕ ಸೌಲಭ್ಯಗಳನ್ನು ಅಥವಾ ಅಂಥ ಬಗೆಯ ಶಿಕ್ಷಣವನ್ನು ಒದಗಿಸುವ ಅಗತ್ಯತೆಯನ್ನು ಪರಿಶೀಲಿಸುವುದು ;

(ಬಿ) ಮಾನ್ಯತೆ ನೀಡಿಕೆಗೆ ಯಾವುದೇ ಸಂಸ್ಥೆಗೆ ಅನ್ವಯವಾಗತಕ್ಕ ವಿಶೇಷ ಷರತ್ತುಗಳು ಯಾವುದಾದರೂ ಇದ್ದಲ್ಲಿ ಅವುಗಳನ್ನು ಅಂಥ ಸಂಸ್ಥೆಯು ಈಡೇರಿಸಿದೆಯೇ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ಪರ್ಯಾಲೋಚಿಸುವುದು ;

(ಸಿ) ಮಾನ್ಯತೆ ನೀಡಿಕೆಯ ಷರತ್ತುಗಳಲ್ಲಿ ಮಾರ್ಪಾಟುಗಳನ್ನು ಅಥವಾ ಬದಲಾವಣೆಗಳನ್ನು ಕಾಲಕಾಲಕ್ಕೆ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡುವುದು ; ಮತ್ತು

(ಡಿ) ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅದಕ್ಕೆ ಕಳುಹಿಸಿಕೊಡಬಹುದಾದಂಥ ಇತರ ವಿಷಯಗಳ ಮೇಲೆ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸುಗಳನ್ನು ಮಾಡುವುದು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ರಚಿತವಾದ ತಜ್ಞ ಮಂಡಳಿಯು, ಸದರಿ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನಿಯಮಿಸಲಾದ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ, ಸಂದರ್ಭಾನುಸಾರ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ತನ್ನ ವರದಿಯನ್ನು ಅಥವಾ ಹೆಚ್ಚಿನ ವರದಿಯನ್ನು ಸಲ್ಲಿಸತಕ್ಕದು.

38. ಹಾಲಿ ಇರುವ ಸಂಸ್ಥೆಗಳಿಗೆ ಮನ್ನಣೆ, ಇತ್ಯಾದಿ : - (1) 36ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ -

(ಎ) ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಕೇಂದ್ರ ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ಪುರಸ್ಕೃತವಾದ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರವು ಅಥವಾ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಸ್ಥಾಪಿಸಿದ ಅಥವಾ ನಡೆಸುತ್ತಿರುವ ಮತ್ತು ನಿಯಮಿಸಬಹುದಾದ ಷರತ್ತುಗಳಿಗನುಸಾರವಾಗಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದಿತವಾದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಮಾನ್ಯತೆ ಪಡೆದಿರುವ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳೆಂದು ಭಾವಿಸತಕ್ಕದು.

(ಬಿ) (ಎ) ಖಂಡದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳ ಹೊರತು ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾಗುವುದಕ್ಕೆ ನಿಕಟ ಪೂರ್ವದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿದ್ದ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಸ್ಥಾಪಿಸಲಾದ ಮತ್ತು ಮಾನ್ಯತೆ ಪಡೆದ ಹಾಗೂ ಶಿಕ್ಷಣ ನೀಡುತ್ತಿರುವ ಎಲ್ಲ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಅಥವಾ ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಸಂಸ್ಥೆಗಳು, ಆ ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ನಿಯಮಗಳ ಉಪಬಂಧಗಳನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ಅವಧಿಯೊಳಗಾಗಿ ಮತ್ತು ವಿಧಾನಕ್ಕನುಸಾರವಾಗಿ ಪಾಲಿಸಿದರೆ ಅವುಗಳನ್ನು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಸ್ಥಾಪಿಸಲಾದ ಮತ್ತು ಮಾನ್ಯತೆ ಪಡೆದ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳೆಂದು ಭಾವಿಸತಕ್ಕದು.

(2) ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾದ ದಿನದಂದು ಅಸ್ತಿತ್ವದಲ್ಲಿದ್ದ ಆದರೆ ಅಂಥ ಪ್ರಾರಂಭಕ್ಕೆ ನಿಕಟಪೂರ್ವದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿದ್ದ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಮಾನ್ಯತೆ ಪಡೆಯದೆ ಇದ್ದ ಶಿಕ್ಷಣ ನೀಡುತ್ತಿರುವ ಯಾವುದೇ ಖಾಸಗಿ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯು ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ನಿಯಮಗಳ ಉಪಬಂಧಗಳಿಗನುಸಾರವಾಗಿ ಅಂಥ ಪ್ರಾರಂಭದ ದಿನದಿಂದ ಅರವತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಮಾನ್ಯತೆಗಾಗಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದ ಹೊರತು ಅಂಥ ಪ್ರಾರಂಭದ ದಿನದಿಂದ ಅರವತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಮಾನ್ಯತೆಗಾಗಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದ ಹೊರತು ಅಂಥ ಪ್ರಾರಂಭದ ದಿನದಿಂದ ಶಿಕ್ಷಣ ನೀಡುವುದನ್ನು ನಿಲ್ಲಿಸತಕ್ಕದು ಮತ್ತು ಅಂಥ ಪ್ರತಿಯೊಂದು ಅರ್ಜಿಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರ ವರ್ಗವು ಅದನ್ನು ಸ್ವೀಕರಿಸಿದ ಅರವತ್ತು ದಿನಗಳೊಳಗಾಗಿ ವಿಲೇ ಮಾಡತಕ್ಕದು ಮತ್ತು ಮಾನ್ಯತೆಗಾಗಿ ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯನ್ನು ನಿರಾಕರಿಸಿದ ತರುವಾಯ ಯಾವುದೇ ಅಂಥ ಸಂಸ್ಥೆಯನ್ನು ಯಾವ ವ್ಯಕ್ತಿಯೇ ಆಗಲೇ ನಡೆಸತಕ್ಕದಲ್ಲ.

39. ಮಾನ್ಯತೆಯನ್ನು ಹಿಂತೆಗೆದುಕೊಳ್ಳುವುದು - (1) ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು, ಅಥವಾ ಯಾವುದೇ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತು.

(ಎ) ಮಾನ್ಯತೆ ನೀಡಿಕೆಯ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸಲು ತಪ್ಪಿದಲ್ಲಿ ಅಥವಾ ಸ್ಥಳಾವಕಾಶ, ಸಲಕರಣೆ, ಪಠ್ಯಕ್ರಮ, ಪಠ್ಯಪುಸ್ತಕ, ಉಪಾಧ್ಯಾಯರ ನೇಮಕಾತಿ, ಶಿಕ್ಷೆ ಮತ್ತು ವಜಾ ಇವುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಆದೇಶಗಳನ್ನು ಪಾಲಿಸಲು ತಪ್ಪಿದಲ್ಲಿ;

(ಬಿ) ಮತ, ಜನಾಂಗ, ಜಾತಿ, ಭಾಷೆ ಇವುಗಳ ಆಧಾರದ ಮೇಲೆ ಅಥವಾ ಇವುಗಳ ಪೈಕಿ ಯಾವೊಂದರ ಆಧಾರ ಮೇಲೆ ಯಾವನೇ ನಾಗರಿಕನಿಗೆ ಪ್ರವೇಶ ನೀಡಲು ನಿರಾಕರಿಸಿದಲ್ಲಿ;

(ಸಿ) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಭಾರತದ ಯಾವುದೇ ನಾಗರಿಕ ವರ್ಗದ ಧಾರ್ಮಿಕ ಭಾವನೆಗಳಿಗೆ ನೋವುಂಟು ಮಾಡುವಂಥ ಅಥವಾ ಆ ವರ್ಗದ ಧರ್ಮಕ್ಕೆ ಅಥವಾ ಧಾರ್ಮಿಕ ನಂಬಿಕೆಗಳಿಗೆ ಅಪಮಾನ ಮಾಡುವಂಥ ಯಾವುದೇ ಪ್ರಚಾರಕ್ಕೆ ಅಥವಾ ಆಚರಣೆಗಳಿಗೆ ಪ್ರತ್ಯಕ್ಷವಾಗಿ ಅಥವಾ ಪರೋಕ್ಷವಾಗಿ ಪ್ರೋತ್ಸಾಹ ನೀಡಿದಲ್ಲಿ;

(ಡಿ) ಸೂಕ್ತ ವಿಚಾರಣೆಯ ತರುವಾಯ, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಯಾವ ಉಪಾಧ್ಯಾಯನ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ರದ್ದುಪಡಿಸಿದೆಯೋ ಅಥವಾ ನಿಲಂಬನಗೊಳಿಸಿದೆಯೋ ಆ ಯಾರೇ ಉಪಾಧ್ಯಾಯನನ್ನು ನೇಮಿಸಿಕೊಂಡಲ್ಲಿ ಅಥವಾ ಅವನ ನೇಮಕವನ್ನು ಮುಂದುವರಿಸಿದಲ್ಲಿ ಅಥವಾ ಸೂಕ್ತ ವಿಚಾರಣೆಯ ತರುವಾಯ, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಯಾವ ಉಪಾಧ್ಯಾಯನು ಉಪಾಧ್ಯಾಯನಾಗಿರಲು ಆಯೋಗ್ಯನೆಂದು ಅಥವಾ ಉಪಾಧ್ಯಾಯನಾಗಿರುವುದು ಅಪೇಕ್ಷಣೀಯವಲ್ಲವೆಂದು ಪರಿಗಣಿಸಿದೆಯೋ, ಆ ಉಪಾಧ್ಯಾಯನನ್ನು ನೇಮಿಸಿಕೊಂಡಲ್ಲಿ ಅಥವಾ ಅವನ ನೇಮಕವನ್ನು ಮುಂದುವರಿಸಿದಲ್ಲಿ ಅಥವಾ ಉಪಾಧ್ಯಾಯನನ್ನು ಯಾವುದೇ ಸಮಂಜಸ ಕಾರಣಗಳಿಲ್ಲದೆಯೇ ತೆಗೆದುಹಾಕಿದಲ್ಲಿ ಅಥವಾ ಈ ಸಂಬಂಧವಾಗಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಮಾಡಿದ ಆದೇಶಗಳನ್ನು ಪಾಲಿಸಲು ತಪ್ಪಿದಲ್ಲಿ;

(ಇ) ಶಿಕ್ಷಣಕ್ಕೆ ಅಥವಾ ಸ್ಥಳಾವಕಾಶಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಕುಂದುಕೊರತೆಗಳನ್ನು ಅಥವಾ ಆಡಳಿತಕ್ಕೆ ಅಥವಾ ಶಿಸ್ತುಪಾಲನೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಲೋಪದೋಷಗಳನ್ನು, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಆ ಬಗ್ಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಅವಧಿಯೊಳಗೆ ಸರಿಪಡಿಸಲು ತಪ್ಪಿದಲ್ಲಿ;

(ಎಫ್) ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ನಿಯಮಗಳ ಮತ್ತು ಆದೇಶಗಳ ಯಾವುದೇ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿದಲ್ಲಿ

- ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು, ಕಾರಣಗಳನ್ನು ದಾಖಲಾಡಿ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ಮಾನ್ಯತೆಯನ್ನು ಹಿಂತೆಗೆದುಕೊಳ್ಳುವುದರ ಅಥವಾ ಯಾವುದೇ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದರ ವಿರುದ್ಧ ಮನವಿಯನ್ನು ಸಲ್ಲಿಸಲು ಅವಕಾಶವನ್ನು ಕೊಟ್ಟಿರುವುದು, ಸಂಸ್ಥೆಯ ಮಾನ್ಯತೆಯನ್ನು ಹಿಂತೆಗೆದುಕೊಳ್ಳಬಹುದು ಅಥವಾ ಅಗತ್ಯವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಕ್ರಮಕೈಗೊಳ್ಳಬಹುದು.

(2) ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಮಂಜೂರು

ಮಾಡಿರುವ ಮಾನ್ಯತೆಯನ್ನು ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಹಿಂತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಭಿಪ್ರಾಯಪಟ್ಟಲ್ಲಿ ಸಂದರ್ಭಾನುಸಾರ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ಯಾವುದೇ ಮನವಿಯನ್ನು ಸಲ್ಲಿಸಲು ಒಂದು ತಿಂಗಳ ನೋಟೀಸನ್ನು ಕೊಟ್ಟ ನಂತರ, ಸದರಿ ಸಂಸ್ಥೆಗೆ ಮಂಜೂರು ಮಾಡಿದ ಮಾನ್ಯತೆಯನ್ನು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಹಿಂತೆಗೆದುಕೊಳ್ಳಬಹುದು.

(3) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಇತರ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಮಾನ್ಯತೆ ಪಡೆಯದೆ ಇರುವ ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಆ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಯಾವ ಸಂಸ್ಥೆಯ ಮಾನ್ಯತೆಯನ್ನು ಹಿಂತೆಗೆದುಕೊಳ್ಳಲಾಗಿದೆಯೋ ಆ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಕೆಳಕಂಡ ಹಕ್ಕುಗಳು ಇರತಕ್ಕದ್ದಲ್ಲ;

(ಎ) ರಾಜ್ಯ ನಿಧಿಯಿಂದ ಯಾವುದೇ ಸಹಾಯಾನುದಾನವನ್ನು ಅಥವಾ ಸರ್ಕಾರದಿಂದ ಇತರ ಆರ್ಥಿಕ ನೆರವನ್ನು ಅಥವಾ ಇತರ ಸೌಲಭ್ಯಗಳನ್ನು ಪಡೆಯುವುದು ;

(ಬಿ) ನಾನಾ ವ್ಯಾಸಂಗ ಕ್ರಮಗಳಲ್ಲಿ ವಿಶ್ವವಿದ್ಯಾನಿಲಯವು ಅಥವಾ ಸರ್ಕಾರವು ನಡೆಸುವ ಪರೀಕ್ಷೆಗಳಿಗೆ ಅಭ್ಯರ್ಥಿಗಳನ್ನು ಕಳುಹಿಸುವುದು ಅಥವಾ ಹಾಜರುಪಡಿಸುವುದು.

ಅಧ್ಯಾಯನ - VII

ಮಾನ್ಯತೆ ಪಡೆದ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಸಂಸ್ಥೆಗಳು, ಮೊದಲಾದವುಗಳ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗ

40. ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಸಂಸ್ಥೆಯ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗದ ಕರ್ತವ್ಯಗಳು - (1) ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ನಿಯಮಗಳ ಅಥವಾ ಆದೇಶಗಳ ಎಲ್ಲ ಉಪಬಂಧಗಳನ್ನು ಪಾಲಿಸುವುದು ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಸಂಸ್ಥೆಯ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗದ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

(2) ಹಿಂದೆ ಹೇಳಿದ ಅಧಿಕಾರದ ಸಾಮಾನ್ಯನ್ವಯಕ್ಕೆ ಬಾಧಕವಾಗದಂತೆ:-

(ಎ) ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಸಂಗ್ರಹಿಸಿದ ಅಥವಾ ಅದಕ್ಕೆ ನೀಡಲಾದ ಅಥವಾ ಹಂಚಿಕೆ ಮಾಡಲಾರ ಎಲ್ಲ ಹಣವನ್ನು, ಶೈಕ್ಷಣಿಕ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಖರ್ಚು ಮಾಡುವಂತೆ ನೋಡಿಕೊಳ್ಳುವುದು; ಮತ್ತು

(ಬಿ) ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಮತ್ತು ಅಂಥ ದಿನಾಂಕಕ್ಕೆ ಮುಂಚಿತವಾಗಿ ಪ್ರತಿವರ್ಷವೂ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಸಂಸ್ಥೆಯ ಆಡಳಿತಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಾರ್ಷಿಕ ವರದಿಯನ್ನು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಾರ್ಷಿಕ ಅಯವ್ಯಯ ಅಂದಾಜನ್ನು ಒಪ್ಪಿಸುವುದು.

- ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಸಂಸ್ಥೆಯ ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗದ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

41. ಮಾನ್ಯತೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ವ್ಯವಸ್ಥಾಪನೆ - ರಾಜ್ಯ ಸರ್ಕಾರವು, ಮಾನ್ಯತೆ ಪಡೆದ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಸಲುವಾಗಿ ಪೂರ್ವ ಪ್ರಕಟಣೆಯ ತರುವಾಯ ರಚಿಸಬಹುದಾದ ನಿಯಮಗಳ ಅನುಸಾರವಾಗಿ ಹೊರತು ಅಂಥ ಯಾವುದೇ ಸಂಸ್ಥೆಗಳನ್ನು ವ್ಯವಸ್ಥಾಪನೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗಿನ ನಿಯಮಗಳಲ್ಲಿ, ಇತರ ವಿಷಯಗಳ ಜೊತೆಗೆ ಈ ಕೆಳಕಂಡವುಗಳೂ ಒಳಗೊಂಡಿರಬಹುದು : -

- (ಎ) ಬೋಧಕ ಮತ್ತು ಬೋಧಕತೇರ ನೌಕರರ ಹುದ್ದೆಗಳಿಗೆ ಅರ್ಹತೆಗಳು ;
- (ಬಿ) ಬೋಧಕ ಮತ್ತು ಬೋಧಕತೇರ ನೌಕರರ ನೌಕರಿ ಭರ್ತಿ ವಿಧಾನ ;
- (ಸಿ) ನಿಗದಿಪಡಿಸಲಾದ ವೇತನ ಶ್ರೇಣಿ ಮತ್ತು ಭತ್ಯೆ ;
- (ಡಿ) ರಜೆ, ನಿವೃತ್ತಿವೇತನ, ಭವಿಷ್ಯನಿಧಿ, ಜೀವವಿಮೆ ಮತ್ತು ಅಂಥ ಇತರ ಸೌಲಭ್ಯಗಳು ;
- (ಇ) ನೌಕರರಲ್ಲಿ ಶಿಸ್ತನ್ನು ಪಾಲಿಸುವುದು ಮತ್ತು ಅದನ್ನು ಅವರಲ್ಲಿ ಜಾರಿಗೊಳಿಸುವುದು ;
- (ಎಫ್) ವ್ಯವಸ್ಥಾಪಕ ವರ್ಗದ ಅಧಿಕಾರಿಗಳು, ಪ್ರಕಾರ್ಯಗಳು ಮತ್ತು ಹೊಣೆಗಾರಿಕೆಗಳು ;
- (ಜಿ) ಕಾರ್ಯದರ್ಶಿಯ ಕರ್ತವ್ಯಗಳು ಮತ್ತು ಹೊಣೆಗಾರಿಕೆಗಳು ; ಮತ್ತು

(ಎಚ್) ದಾಖಲೆಗಳನ್ನು, ಲೆಕ್ಕಪತ್ರಗಳನ್ನು ಮತ್ತು ಇತರ ವರದಿಗಳ ನಿರ್ವಹಣೆ ಮತ್ತು ಅವುಗಳನ್ನು ನಿರ್ದಿಷ್ಟ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವುದು.

(3) ಮನ್ನಣೆ ಪಡೆಯಲಾದ ಪ್ರತಿಯೊಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು, ಬೋಧಕ ಹಾಗೂ ಬೋಧಕತೇರ ಸಿಬ್ಬಂದಿಯನ್ನು ಭರ್ತಿ ಮಾಡುವಾಗ, ಅನುಸೂಚಿತ ಜಾತಿ, ಅನುಸೂಚಿತ ಪಂಗಡಗಳಿಗೆ ಹಾಗೂ ಇತರ ಹಿಂದುಳಿದ ನಾಗರಿಕ ವರ್ಗಗಳಿಗೆ ಹಾಗೂ ದುರ್ಬಲ ವರ್ಗಗಳ ಜನರಿಗೆ ಹುದ್ದೆಯನ್ನು ಮೀಸಲಿಡುವುದಕ್ಕಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ಹೊರಡಿಸಿದ ಆದೇಶಗಳನ್ನು ಪಾಲಿಸತಕ್ಕದು.

(4) ನಿಯಮಿಸಿರುವ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಆಡಳಿತ ಪರಿಷತ್ತು, ಸಂಸ್ಥೆಯ ಮುಖ್ಯಸ್ಥರನ್ನು ನೇಮಕ ಮಾಡುವ ಮತ್ತು ಅವನ ವಿರುದ್ಧ ಶಿಸ್ತುಕ್ರಮವನ್ನು ಕೈಕೊಳ್ಳುವ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರತಕ್ಕದು.

(5) ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿನಲ್ಲಿ, ಯಾವುದಾದರೂ ಬದಲಾವಣೆಯಲ್ಲಿ ಅಥವಾ ಸಂಸ್ಥೆಯು ಇರುವ ಸ್ಥಳವು ಬದಲಾದಲ್ಲಿ, ಅದು, ತಾನು ಹೊಸದಾಗಿ ಪ್ರಾರಂಭವಾದ ಸಂಸ್ಥೆ ಎಂಬಂತೆ ಮಾನ್ಯತೆ ಪಡೆಯುವ ಸಲುವಾಗಿ ಹೊಸದಾಗಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸತಕ್ಕದು.

42. ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿ : - ಮಾನ್ಯತೆ ಪಡೆದ ಪ್ರತಿಯೊಂದು ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಒಂದು ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯು ಇರತಕ್ಕದು. ಅದನ್ನು ಯಾವುದೇ ಹೆಸರಿನಿಂದ ಕರೆಯಬಹುದು.

(2) ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯನ್ನು ಎರಡು ವರ್ಷಗಳಿಗೊಮ್ಮೆ ಪುನರ್ ರಚಿಸತಕ್ಕದ್ದು.

(3) ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯಲ್ಲಿ ಆಡಳಿತ ಪರಿಷತ್ತು ನಾಮನಿರ್ದೇಶಿಸಿದ ಹನ್ನೊಂದಕ್ಕೆ ಕಡಿಮೆ ಇಲ್ಲದಷ್ಟು ಮತ್ತು ಹದಿನೈದಕ್ಕೆ ಹೆಚ್ಚಿಲ್ಲದಷ್ಟು ಸದಸ್ಯರು ಇರತಕ್ಕದ್ದು. ಅವರ ಪೈಕಿ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯ ಮುಖ್ಯಸ್ಥ ಮತ್ತು ಬೋಧಕರ ಪ್ರತಿನಿಧಿಗಳಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಕೊನೇ ಪಕ್ಷ ಇಬ್ಬರು ಇತರ ಸದಸ್ಯರು ಗೊತ್ತುಪಡಿಸಲಾದ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಆಯ್ಕೆಯಾದ ತಂದೆತಾಯಿಯರ ಪ್ರತಿನಿಧಿಗಳಾಗಿರತಕ್ಕದ್ದು.

ಪರಂತು, -

(ಎ) ಬೋಧಕ ಸಿಬ್ಬಂದಿಯ ಅಂಥ ಸದಸ್ಯರನ್ನು ಸರದಿಯ ಮೂಲಕ ಜ್ಯೇಷ್ಠತೆಗನುಸಾರವಾಗಿ, ಪ್ರತಿ ಎರಡು ವರ್ಷಗಳ ಅವಧಿಗಾಗಿ ನಾಮನಿರ್ದೇಶನ ಮಾಡತಕ್ಕದ್ದು ; ಮತ್ತು

(ಬಿ) ಆ ವಿದ್ಯಾ ಸಂಸ್ಥೆಯಲ್ಲಿ ಮೂವರಿಗಿಂತ ಕಡಿಮೆ ಬೋಧಕ ಸಿಬ್ಬಂದಿಯಿದ್ದಲ್ಲಿ ಅವರೆಲ್ಲರೂ ಬೋಧಕರ ಪ್ರತಿನಿಧಿಗಳಾಗಿರತಕ್ಕದ್ದು ;

ಮತ್ತೂ ಪರಂತು, ಹತ್ತಿರದ ಸಂಬಂಧಿಗಳಾಗಿರುವ ಇಬ್ಬರಿಗಿಂತ ಹೆಚ್ಚಿಲ್ಲದ ವ್ಯಕ್ತಿಗಳನ್ನು ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯ ಸದಸ್ಯರಾಗಿ ನಾಮ ನಿರ್ದೇಶನ ಮಾಡತಕ್ಕದ್ದಲ್ಲ. ಈ ಪರಂತುಕದ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಹತ್ತಿರದ ಸಂಬಂಧಿಗಳು ಎಂದರೆ, ಗಂಡ ಹೆಂಡತಿ, ತಂದೆ ತಾಯಿ, ಮಕ್ಕಳು, ಅಣ್ಣ - ತಮ್ಮ, ಅಕ್ಕ - ತಂಗಿ, ಭಾವ, ಮೈದುನ, ಅತ್ತಿಗೆ, ನಾದಿನಿ, ಅಳಿಯ - ಸೊಸೆ, ಅತ್ತೆ - ಮಾವ, ಚಿಕ್ಕಪ್ಪ - ದೊಡ್ಡಪ್ಪ, ಸೋದರ ಅತ್ತೆ ಸೋದರ ಮಾವ ಮತ್ತು ಚಿಕ್ಕಮ್ಮ - ದೊಡ್ಡಮ್ಮ, ಸೋದರನ ಅಥವಾ ಸೋದರಿಯ ಮಗ ಅಥವಾ ಮಗಳು ಎಂದು ಅರ್ಥ.

ವಿವರಣೆ : ಈ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಸೂಚಿಸಲಾಗಿರುವಷ್ಟು ಸದಸ್ಯರಲ್ಲದೆ, ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನ ಮೂಲಕ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ಅಗತ್ಯಪಡಿಸಿರುವಂತೆ ವಿಶ್ವವಿದ್ಯಾಲಯ ಅನುದಾನ ಆಯೋಗದ, ಭಾರತದ ವೈದ್ಯಕೀಯ ಪರಿಷತ್ತಿನ, ಅಖಿಲ ಭಾರತ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಪರಿಷತ್ತಿನ, ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಥವಾ ಸಂಬಂಧಪಟ್ಟ ವಿಶ್ವವಿದ್ಯಾನಿಲಯದ ಪ್ರತಿನಿಧಿಗಳೂ ಯಾರಾದರೂ ಇದ್ದರೆ, ಅವರೂ ಸಹ ಇರತಕ್ಕದ್ದು.

(4) (1) ರಿಂದ (3) ರ ವರೆಗಿನ ಉಪಪ್ರಕರಣಗಳಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಧರ್ಮಾರ್ಥ ಮತ್ತು ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳಿಗೆ ಮತ್ತು ದತ್ತಿ ಮತ್ತು ವಕ್ಫ್ ಇವುಗಳಿಗೆ ಸಂಬಂಧಿಸಿ, ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಇತರ ಕಾನೂನಿನ ಮೇರೆಗೆ ರಚಿಸಲಾದ ಅಥವಾ ನೇಮಕವಾದ, ನ್ಯಾಸಧಾರಿ ಮಂಡಳಿ ಅಥವಾ ಆಡಳಿತ ಮಂಡಲಿ ಅಥವಾ ವಕ್ಫ್ ಮಂಡಲಿ ಯಾವುದೇ ಹೆಸರಿನಿಂದ ಕರೆಯಲಾಗುವ ಅವುಗಳನ್ನು ಈ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ರಚಿಸಲಾದ ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

43. ಅಧ್ಯಕ್ಷ ಮತ್ತು ಕಾರ್ಯದರ್ಶಿ : - (1) ಪ್ರತಿಯೊಂದು ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಗೂ, ಅದರ ಸದಸ್ಯರ ಪೈಕಿ ನೇಮಕವಾದ ಒಬ್ಬ ಅಧ್ಯಕ್ಷ ಮತ್ತು ಕಾರ್ಯದರ್ಶಿ ಇರತಕ್ಕದ್ದು ;

ಪರಂತು, ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಶೈಕ್ಷಣಿಕ ಮುಖ್ಯಸ್ಥನ ಹೊರತು ಇತರ ಯಾವನೇ ನೌಕರನನ್ನು ಕಾರ್ಯದರ್ಶಿಯನ್ನಾಗಿ ಆಯ್ಕೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ;

ಮತ್ತೂ ಪರಂತು, ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾದ ದಿನಾಂಕದಂದು ಕಾರ್ಯದರ್ಶಿಯ ಅಧಿ

ಕಾರವನ್ನು ಚಲಾಯಿಸುತ್ತಿರುವ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಆ ಸಂಸ್ಥೆಯ ಕಾರ್ಯದರ್ಶಿಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

(2) ಕಾರ್ಯದರ್ಶಿಯು, ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯ ಸಾಮಾನ್ಯ ಮೇಲ್ವಿಚಾರಣೆಗೆ ಮತ್ತು ನಿಯಂತ್ರಣಕ್ಕೊಳಪಟ್ಟು ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲ ವಿಷಯಗಳಲ್ಲಿ ಆ ಸಂಸ್ಥೆಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕನಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಎಲ್ಲ ವ್ಯವಹಾರಗಳ ಸಂಬಂಧದಲ್ಲಿ ಕಾರ್ಯದರ್ಶಿಯು ಮಾಡಿದ ಎಲ್ಲ ಕೃತ್ಯಗಳಿಗೆ ಆಡಳಿತ ಮಂಡಳಿಯು ಬದ್ಧವಾಗಿರತಕ್ಕದ್ದು, ಪರಂತು, ಆಡಳಿತ ಮಂಡಳಿಯು, ಕಾರ್ಯದರ್ಶಿಯು ಮೇಲೆ ಹೇಳಿದ ಕೃತ್ಯಗಳನ್ನು ಮಾಡಲಾದ ದಿನಾಂಕದಿಂದ ಹದಿನೈದು ದಿನಗಳೊಳಗಾಗಿ, ಅವುಗಳನ್ನು ಮಾರ್ಪಾಟು ಮಾಡಬಹುದು ಅಥವಾ ರದ್ದುಗೊಳಿಸಬಹುದು.

(3) ಕಾರ್ಯದರ್ಶಿಯು, ಅದರ ಎಲ್ಲ ಸ್ವತ್ತು ಮತ್ತು ದಾಖಲೆಗಳ ಅಭಿರಕ್ಷಕರಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಅವುಗಳ ಯುಕ್ತ ಅಭಿರಕ್ಷೆ, ನಿರ್ವಹಣೆ ಮತ್ತು ರಕ್ಷಣೆಗೆ ಜವಾಬ್ದಾರನಾಗಿರತಕ್ಕದ್ದು. ನಿಯಮಿಸಬಹುದಾದಂತಹ ಇತರ ಅಧಿಕಾರಗಳನ್ನು ಅವನು ಚಲಾಯಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅಂತಹ ಇತರ ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸತಕ್ಕದ್ದು.

44. ಕಾರ್ಯದರ್ಶಿಯನ್ನು ತೆಗೆದುಹಾಕುವುದು : - 43ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಕಾರ್ಯದರ್ಶಿಯು, ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ನಿಯಮಗಳ ಉಪಬಂದನಗಳಿಗನುಸಾರವಾಗಿ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ನಿರ್ವಹಿಸುತ್ತಿಲ್ಲವೆಂದು ಯಾವುದೇ ಕಾಲದಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಮನದಟ್ಟಾದರೆ, ಆ ಕಾರ್ಯದರ್ಶಿಯ ಬದಲಾಗಿ ಬೇರೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದು ಆಡಳಿತ ಮಂಡಳಿಗೆ ನಿರ್ದೇಶಿಸಬಹುದು. ಆಡಳಿತ ಮಂಡಳಿಯು, ಸದರಿ ನಿರ್ದೇಶನವನ್ನು ಪಾಲಿಸಲು ಬದ್ಧವಾಗಿರತಕ್ಕದ್ದು.

45. ಸಭೆ ಇತ್ಯಾದಿಗಳು : - ನಿಯಮಿಸಬಹುದಾದಷ್ಟು ಸಭೆಗಳನ್ನು, ನಿಯಮಿಸಬಹುದಾದಂಥ ಸ್ಥಳದಲ್ಲಿ ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯು ನಡೆಸತಕ್ಕದ್ದು ಮತ್ತು ಅದರ ಸಭೆಗಳಲ್ಲಿ (ಸಭೆಗಳಲ್ಲಿ ಕೋರಂ ಸೇರಿದಂತೆ) ಕಾರ್ಯಕಲಾಪ ನಿರ್ವಹಣೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಯಮಿಸಬಹುದಾದಂಥ ಪ್ರಕ್ರಿಯಾ ನಿಯಮಗಳನ್ನು ಅದು ಪಾಲಿಸತಕ್ಕದ್ದು :

ಪರಂತು, ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯು ಕನಿಷ್ಠ ಪಕ್ಷ ಮೂರು ತಿಂಗಳಿಗೊಮ್ಮೆ ಸಭೆ ಸೇರತಕ್ಕದ್ದು.

(2) ಅಧ್ಯಕ್ಷರು ಅಥವಾ ಅವನ ಗೈರು ಹಾಜರಿಯಲ್ಲಿ ಹಾಜರಿರುವ ಸದಸ್ಯರು ಆಯ್ಕೆ ಮಾಡಿದ ಯಾವನೇ ಸದಸ್ಯನು ಸಭೆಯ ಅಧ್ಯಕ್ಷತೆಯನ್ನು ವಹಿಸತಕ್ಕದ್ದು.

(3) ಸಭೆಯ ಮುಂದೆ ಬರುವ ಎಲ್ಲ ವಿಷಯಗಳನ್ನು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದು, ಮತ ಚಲಾಯಿಸುವ ಸದಸ್ಯರ ಬಹುಮತದ ಮೂಲಕ ತೀರ್ಮಾನಿಸತಕ್ಕದ್ದು ಹಾಗೂ ಸಮಾನ ಮತಗಳು ಬಂದ ಸಂದರ್ಭದಲ್ಲಿ ಅಧ್ಯಕ್ಷತೆಯನ್ನು ವಹಿಸಿದ ವ್ಯಕ್ತಿಯು ಎರಡನೇ ಅಥವಾ ನಿರ್ಣಾಯಕ ಮತವನ್ನು ಚಲಾಯಿಸುವ ಹಕ್ಕನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು.

46. ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಪ್ರಕಾರ್ಯಗಳು :- (1) ಈ ಅಧಿನಿಯಮದ

ಅಥವಾ ಅದರ ಮೇರೆಗೆ ನಿಯಮಿಸಲಾದ ನಿಯಮಗಳ ಉಪಬಂಧಗಳಿಗೊಳಪಟ್ಟು ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯು ಕೆಳಕಂಡ ಅಧಿಕಾರಗಳನ್ನು ಹಾಗೂ ಪ್ರಕಾರ್ಯಗಳನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು, ಎಂದರೆ :-

(ಎ) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಸಾಮಾನ್ಯ ಆಡಳಿತವನ್ನು ನಿರ್ವಹಿಸುವುದು ;

(ಬಿ) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಮುಖ್ಯಸ್ಥನನ್ನು ಬಿಟ್ಟು, ಶಿಕ್ಷಕರನ್ನು ಹಾಗೂ ಇತರ ನೌಕರರನ್ನು ನೌಮಿಸುವುದು;

(ಸಿ) ಸಂಸ್ಥೆಯ ಮುಖ್ಯಸ್ಥನನ್ನು ಬಿಟ್ಟು, ಶಿಕ್ಷಕರ ಹಾಗೂ ಇತರ ನೌಕರರ ಮೇಲೆ ಶಿಸ್ತುಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳುವುದು;

(ಡಿ) ಸಂಸ್ಥೆಯ ನೌಕರರನ್ನು ಮೇಲ್ವಿಚಾರಣೆ ಮಾಡುವುದು ಹಾಗೂ ಅವರನ್ನು ನಿಯಂತ್ರಿಸುವುದು ; ಮತ್ತು

(ಈ) ಗೊತ್ತುಪಡಿಸಬಹುದಾದಂಥ ಇತರ ಯಾವುದೇ ವಿಷಯ.

(2) ವ್ಯವಸ್ಥಾಪಕ ಸಮಿತಿಯು ಕೈಗೊಂಡ ಯಾವುದೇ ತೀರ್ಮಾನವನ್ನು ಅಥವಾ ಕ್ರಮವನ್ನು ಅದನ್ನು ಹಾಗೆ ಕೈಗೊಂಡ ದಿನದಿಂದ ಹದಿನೈದು ದಿನಗಳೊಳಗಾಗಿ ಕಾರ್ಯದರ್ಶಿಯು ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ತಿಳಿಸತಕ್ಕದ್ದು. ಹಾಗೆ ಕೈಗೊಂಡ ತೀರ್ಮಾನ ಅಥವಾ ಕ್ರಮವನ್ನು ತನಗೆ ತಿಳಿಸಿದ ಇಪ್ಪತ್ತೊಂದು ದಿನಗಳೊಳಗೆ ಆಡಳಿತ ಪರಿಷತ್ತು ಅದನ್ನು ರದ್ದುಪಡಿಸಿದ ಅಥವಾ ಮಾರ್ಪಾಟು ಮಾಡಿದ ಹೊರತು, ಅದನ್ನು ಆಡಳಿತ ಪರಿಷತ್ತೇ ಕೈಗೊಂಡ ತೀರ್ಮಾನ ಅಥವಾ ಕ್ರಮವೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - VIII

ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಪ್ರವೇಶ, ಫೀಜುಗಳ ಶ್ರೇಣಿಗಳು, ಇತ್ಯಾದಿ

47. ಪ್ರವೇಶ, ಇತ್ಯಾದಿ ನಿಮಯಗಳಿಗನುಸಾರವಾಗಿರಬೇಕು - ಮನ್ನಣೆ ಪಡೆದ ಒಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕ ವಿದ್ಯಾರ್ಥಿಗಳ ಗರಿಷ್ಠಸಂಖ್ಯೆಯೂ ಸೇರಿದಂತೆ ಆ ಸಂಸ್ಥೆಗೆ ವಿದ್ಯಾರ್ಥಿಗಳ ಪ್ರವೇಶ, ವರ್ಗಾವಣೆ, ವಲಸೆ ಮತ್ತು ತೆಗೆದುಹಾಕುವಿಕೆ - ಇವು ನಿಯಮಿಸಬಹುದಾದ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿರತಕ್ಕದ್ದು.

48. ಫೀಜು : - (1) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಇತರ ಕಾನೂನಿಗೊಳಪಟ್ಟು ನಿಯಮಿಸಬಹುದಾದಂಥ ಯಾವುದೇ ಫೀಜನ್ನು ಅಥವಾ ಚಾರ್ಜುಗಳನ್ನು ಅಥವಾ ದೇಣಿಗೆಗಳನ್ನು ಅಥವಾ ಯಾವುದೇ ಹೆಸರಿನಿಂದ ಕರೆಯಲಾಗುವ ಸಂದಾಯಗಳನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ದರದಲ್ಲಿ ಮತ್ತು ರೀತಿಯಲ್ಲದೆ, ಮನ್ನಣೆ ಪಡೆದ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತು ಅವುಗಳನ್ನು ವಿಧಿಸತಕ್ಕದ್ದಲ್ಲ ಹಾಗೂ ವಸೂಲ್ಪಡತಕ್ಕದ್ದಲ್ಲ.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ವಿಧಿಸಲಾದ ಹಾಗೂ ವಸೂಲ್ಪಡಲಾದ ಮೊಬಲಗನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ಉಪಯೋಗಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - IX

ಸಹಾಯಾನುದಾನಗಳು

49. ಸರ್ಕಾರವು ಮನ್ನಣೆ ಪಡೆದ ಕೆಲವು ಸಂಸ್ಥೆಗಳಿಗೆ ಸಹಾಯಾನುದಾನ ನೀಡಲು ಮೊತ್ತವನ್ನು ಮೀಸಲಿಡುವುದು: - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು ಅನುದಾನ ನೀಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಈ ಸಂಬಂಧದಲ್ಲಿ ರಚಿಸಿದ ನಿಯಮಗಳಿಗನುಸಾರ ಮನ್ನೆ ಪಡೆದ, ರಾಜ್ಯದಲ್ಲಿನ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಹಾಗೂ ಖಾಸಗಿ ಸಂಸ್ಥೆಗಳಿಗೆ ಸಹಾಯಾನುದಾನವನ್ನು ತನ್ನ ಆರ್ಥಿಕ ಸಾಮರ್ಥ್ಯದ ಪರಿಮಿತಿಗಳೊಳಗೆ ನೀಡಲು (ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಅನುದಾನ ಎಂದು ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ) ಪ್ರತಿ ವರ್ಷವೂ ಹಣವನ್ನು ಮೀಸಲಿಡತಕ್ಕದ್ದು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ರಚಿಸಿದ ನಿಯಮಗಳು, ಪರಿಶಿಷ್ಟ ಜಾತಿಗಳು, ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳು ಹಾಗೂ ಯಾವುದೇ ಹಿಂದುಳಿದ ವರ್ಗಗಳು - ಇವುಗಳಿಗಾಗಿ ನೇಮಕಾತಿಯಲ್ಲಿ ಅಥವಾ ಹುದ್ದೆಗಳ ಮೀಸಲಾತಿ ಸಲುವಾಗಿ ಮಾಡಿದ ಯಾವುದೇ ಉಪಬಂಧವನ್ನು ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಯಾವುದೇ ವರ್ಗಕ್ಕೆ ಅಥವಾ ವರ್ಗಗಳಿಗೆ ಅನ್ವಯಿಸುವಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಮಾಡಬಹುದಾದಂಥ ಮಾರ್ಪಾಡಿಗೊಳಪಟ್ಟು ಅಂಥ ಉಪಬಂಧವನ್ನು ಪಾಲಿಸಬೇಕೆಂದು ಸಹ ಅನುದಾನವನ್ನು ಪಡೆಯುವ ಸಂಸ್ಥೆಗಳನ್ನು ಅಗತ್ಯಪಡಿಸಬಹುದು.

50. ಅನುದಾನವನ್ನು ಮಂಜೂರ್ಮಾಡಬಹುದಾದ ಪ್ರಾಧಿಕಾರಿಗಳು: - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು ತಾನು ಸೂಕ್ತವೆಂದು ಯೋಚಿಸುವಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ, ಆದೇಶದ ಮೂಲಕ, ಮನ್ನಣೆ ಪಡೆದ ಯಾವುದೇ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ, ಅಂಥ ಅನುದಾನಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಆ ಆದೇಶದಲ್ಲಿ ವಿಧಿಸಬಹುದಾದಂಥ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಅನುದಾನವನ್ನು ಮಂಜೂರ್ಮಾಡಬಹುದು.

(2) ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಕಮೀಷನರನು ಅಥವಾ ನಿರ್ದೇಶಕನು ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಸಂಬಂಧದಲ್ಲಿ ಸಾಮಾನ್ಯ ಅಥವಾ ವಿಶೇಷ ಆದೇಶದ ಮೂಲಕ ಅಧಿಕೃತಗೊಳಿಸಬಹುದಾದಂಥ ಕಮೀಷನರನಿಗೆ ಅಥವಾ ನಿರ್ದೇಶಕನಿಗೆ ಅಧೀನವಾಗಿರುವಂಥ ಇತರ ಅಧಿಕಾರಿಯು (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಂಜೂರ್ಮಾಡಿದ ಪ್ರತಿಯೊಂದು ಅನುದಾನವನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ವಿತರಣೆ ಮಾಡತಕ್ಕದ್ದು.

(3) ರಾಜ್ಯ ನಿಧಿಗಳಿಂದ ಅನುದಾನ ಪಡೆಯುತ್ತಿರುವ ಮನ್ನಣೆ ಪಡೆದ ಪ್ರತಿಯೊಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ಆಡಳಿತ ಪರಿಷತ್ತು ಯಾವ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಅಂಥ ಅನುದಾನವನ್ನು ನೀಡಲಾಗಿದೆಯೋ ಆ ಎಲ್ಲ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸಲು ಹೊಣೆಯಾಗಿರತಕ್ಕದ್ದು.

51. ಅನುದಾನದ ಹೊರತು, ಇತರ ಮೂಲಗಳಿಂದ ಸ್ವೀಕರಿಸಿದ ಹಣ - (1) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿಗೆ ಒಳಪಟ್ಟು ದಾನಿಗಳು ಸ್ವಇಚ್ಛೆಯಿಂದ ದೇಣಿಗೆಯ ರೂಪದಲ್ಲಿ ನೀಡಿದ ಯಾವುದೇ ಹಣವನ್ನು ಸಂಸ್ಥೆಯು ಅಥವಾ ಆಡಳಿತ ಪರಿಷತ್ತು ಸ್ವೀಕರಿಸಬಹುದು ಮತ್ತು ಆ ಸಂಗತಿಯನ್ನು ಹಾಗೆ ಸ್ವೀಕರಿಸಿದ ದಿನದಿಂದ ತೊಂಬತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು. ಅಂಥ ಹಣವನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅನುಮೋದಿಸಬಹುದಾದ ರಾಷ್ಟ್ರೀಕೃತ ಅಥವಾ ಅನುಸೂಚಿತ

ಬ್ಯಾಂಕಿನಲ್ಲಿ ಆ ಸಂಸ್ಥೆಯ ಖಾತೆಯಲ್ಲಿ ಠೇವಣಿಯಿಡತಕ್ಕದ್ದು ಮತ್ತು ಆ ಸಂಸ್ಥೆಯ ಸುಧಾರಣೆಗಾಗಿ ಹಾಗೂ ಶೈಕ್ಷಣಿಕ ಸೌಲಭ್ಯಗಳ ಅಭಿವೃದ್ಧಿಗಾಗಿ ಮತ್ತು ನಿಯಮಿಸಬಹುದಾದಂಥ ಇತರ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಆ ಹಣವನ್ನು ಉಪಯೋಗಿಸಿ ಖರ್ಚು ಮಾಡತಕ್ಕದ್ದು.

(2) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನುಗಳಪಟ್ಟು, ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯು ಯಾವನೇ ವ್ಯಕ್ತಿಗೆ ಈ ಸಂಸ್ಥೆಯಲ್ಲಿ ಪ್ರವೇಶ ನೀಡುವುದಕ್ಕೆ ಮುಂಚೆ, ನೀಡುವಾಗ ಅಥವಾ ನೀಡಿದ ನಂತರ, ಅಂಥ ಪ್ರವೇಶಕ್ಕೆ ಪೂರ್ವಭಾವಿ ಷರತ್ತಾಗಿ ನಿಯಮಿಸಲಾದ ಫೀಜನ್ನಲ್ಲದೆ, ಯಾವುದೇ ಹಣವನ್ನು ವಸೂಲ್ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

52. ಅನುದಾನದ ಮಂಜೂರಾತಿಗಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸುವುದು ಹಾಗೂ ಅಂಥ ಮಂಜೂರಾತಿಯ ನಂತರ ಪಾಲಿಸಬೇಕಾದ ಷರತ್ತುಗಳು - ಅನುದಾನದ ಮಂಜೂರಾತಿಗಾಗಿ ಪ್ರತಿಯೊಂದು ಅರ್ಜಿಯನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ನಮೂನೆಯಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು ಹಾಗೂ ಮನ್ನಣೆ ಮತ್ತು ಅನುದಾನದ ಷರತ್ತುಗಳನ್ನು ಪೂರ್ಣವಾಗಿ ಪಾಲಿಸಲಾಗುತ್ತಿದೆಯೆಂದು ಹಾಗೂ ಪಾಲಿಸಿಕೊಂಡು ಬರಲಾಗುವುದೆಂದು, ಆ ಸಂಸ್ಥೆಯನ್ನು, ಅದರ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು, ರಿಜಿಸ್ಟರುಗಳನ್ನು ಮತ್ತು ಅನುದಾನಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಇತರ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಪ್ರತಿನಿಯೋಜಿಸಲಾಗಿರುವ ಪರಿಶೀಲನಾ ಸಿಬ್ಬಂದಿಗೆ ಎಲ್ಲ ಸೌಲಭ್ಯಗಳನ್ನು ನೀಡಲಾಗುವುದೆಂದು ಮತ್ತು ಈ ಸಂಬಂಧದಲ್ಲಿ ನಿಯಮಿಸಲಾದ ಎಲ್ಲ ವಿವರ ಪತ್ರಗಳನ್ನು ಮತ್ತು ವರದಿಗಳನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯೊಳಗೆ ಅದಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗುವುದೆಂದು ಮನ್ನಣೆ ಪಡೆದ ಈ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತು ಸಹಿ ಮಾಡಿದ ಘೋಷಣೆಯು ಆ ಅರ್ಜಿ ಜೊತೆ ಇರತಕ್ಕದ್ದು.

(2) ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಂಥ ಅನುದಾನವನ್ನು ಮಂಜೂರಾಡಬಹುದು. ಇಲ್ಲವೇ ಉಚಿತ ಮತ್ತು ಸಾಕಷ್ಟು ಕಾರಣಗಳಿಗಾಗಿ ಅಂಥ ಮಂಜೂರಾತಿಯನ್ನು ನೀಡಲು ನಿರಾಕರಿಸಬಹುದು.

(3) ಈ ಅಧಿನಿಯದ ಇತರ ಉಪಬಂಧಗಳಿಗೊಳಪಟ್ಟ ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅನುದಾನದ ಮಂಜೂರಾತಿಯನ್ನು ನಿರಾಕರಿಸಿ ಮಾಡಿದ ಯಾವುದೇ ಆದೇಶವು ಅಂತಿಮವಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಅದನ್ನು ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಶ್ನಿಸತಕ್ಕದ್ದಲ್ಲ.

53. ಅನುದಾನವನ್ನು ತಡೆಹಿಡಿಯಲು ಕಡಿಮೆ ಮಾಡಲು ಅಥವಾ ಹಿಂತೆಗೆದುಕೊಳ್ಳಲು ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಧಿಕಾರ - (1) ಈ ಅಧ್ಯಾಯದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ರಾಜ್ಯ ಸರ್ಕಾರವು, ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಸಂಸ್ಥೆಯ ನಡವಳಿಕೆ, ದಕ್ಷತೆ ಮತ್ತು ಹಣಕಾಸಿನ ಸ್ಥಿತಿ ಇವುಗಳನ್ನು ದೃಷ್ಟಿಯಲ್ಲಿಟ್ಟುಕೊಂಡು, ಸಂಬಂಧಪಟ್ಟ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ, ಅನುದಾನದ ನೀಡಿಕೆಯನ್ನು ತಡೆಹಿಡಿಯುವುದರ ಅವಕಾಶವನ್ನು ಕೊಟ್ಟ ತರುವಾಯ, ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಆ ವರ್ಷದಲ್ಲಿ ಸಂದಾಯ ಮಾಡತಕ್ಕ ಯಾವುದೇ ಅನುದಾನವನ್ನು ತಡೆಹಿಡಿಯಬಹುದು. ಕಡಿಮೆ ಮಾಡಬಹುದು ಅಥವಾ ಹಿಂತೆಗೆದುಕೊಳ್ಳಬಹುದು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧಗಳಿಗೆ ಅಥವಾ ಈ ಅಧಿನಿಯಮದ ಇತರ ಯಾವುದೇ ಉಪಬಂಧದ ಸಾಮಾನ್ಯಾನ್ವಯಕ್ಕೆ ಬಾಧಕವಾಗದಂತೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು, ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಿದ ತರುವಾಯ, ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಸಂದಾಯ

ಮಾಡತಕ್ಕ ಯಾವುದೇ ಅನುದಾನವನ್ನು ಕೆಳಕಂಡ ಸಂದರ್ಭಗಳಲ್ಲಿ ತಡೆಹಿಡಿಯಬಹುದು, ಕಡಿಮೆ ಮಾಡಬಹುದು ಅಥವಾ ಹಿಂತೆಗೆದುಕೊಳ್ಳಬಹುದು ; ಸಂಬಂಧಪಟ್ಟ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತು.

(i) ಅನುದಾನದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸಲು ತಪ್ಪಿದಾಗ ;

(ii) ಕೇವಲ ಮತ, ಜನಾಂಗ, ಜಾತಿ, ಭಾಷೆಯ ಆಧಾರದ ಮೇಲೆ ಅಥವಾ ಅವುಗಳಲ್ಲಿ ಯಾವುದೇ ಒಂದರ ಆಧಾರದ ಮೇಲೆ ಯಾವನೇ ನಾಗರಿಕನಿಗೆ ಪ್ರವೇಶ ಕೊಡಲು ನಿರಾಕರಿಸಿದಾಗ ;

(iii) ಭಾರತದಲ್ಲಿ ಕಾನೂನಿನ ಮೂಲಕ ಸ್ಥಾಪಿತವಾಗಿರುವ ಸರ್ಕಾರದ ಬಗ್ಗೆ ದ್ವೇಷ ಅಥವಾ ತಿರಸ್ಕಾರ ಭಾವನೆಯನ್ನುಂಟು ಮಾಡಲು ಉದ್ದೇಶಿಸಿರುವ ಅಥವಾ ಹಾಗೆ ಮಾಡಲು ಪ್ರಯತ್ನಿಸುವ ಅಥವಾ ಅವಿಶ್ವಾಸವನ್ನು ಪ್ರಚೋದಿಸಲು ಉದ್ದೇಶಿಸಿರುವ ಅಥವಾ ಪ್ರಚೋದಿಸಲು ಪ್ರಯತ್ನಿಸುವ ಯಾವುದೇ ಚಳುವಳಿಯಲ್ಲಿ ಭಾಗವಹಿಸಲು ಆ ಸಂಸ್ಥೆಯ ನೌಕರನಿಗೆ ಅನುಮತಿ ನೀಡಿದಾಗ ;

(iv) ಭಾರತದ ನಾಗರಿಕರ ಯಾವುದೇ ವರ್ಗದ ಧಾರ್ಮಿಕ ಭಾವನೆಗಳಿಗೆ ಧಕ್ಕೆಯುಂಟು ಮಾಡುವ ಯಾವುದೇ ಪ್ರಚಾರ ಅಥವಾ ಆಚರಣೆಯನ್ನು ಅಥವಾ ಆ ವರ್ಗದ ಧರ್ಮ ಅಥವಾ ಧಾರ್ಮಿಕ ನಂಬಿಕೆಗಳನ್ನು ಅವಹೇಳನ ಮಾಡಲು ಪ್ರತ್ಯಕ್ಷವಾಗಿ ಅಥವಾ ಪರೋಕ್ಷವಾಗಿ ಪ್ರೋತ್ಸಾಹಿಸಿದಾಗ ;

(v) ರಿಜಿಸ್ಟರುಗಳಲ್ಲಿ ಸುಳ್ಳು ನಮೂದನೆಗಳನ್ನು ಮಾಡಿದ ಬಗ್ಗೆ ಅಥವಾ ಯಾವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ನಿಧಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಲಾಗಿರುವುದೋ, ಆ ಉದ್ದೇಶಗಳಿಗಾಗಿಯಲ್ಲದೆ ಇತರ ಉದ್ದೇಶಗಳಿಗೆ ಅದನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡಿರುವ ಬಗ್ಗೆ ತಪ್ಪಿತಸ್ಥನಾಗಿರುವಾಗ ;

(vi) ಲೆಕ್ಕಪರಿಶೋಧಕರು ತೋರಿಸಿಕೊಟ್ಟ ಲೆಕ್ಕಗಳ ನಿರ್ವಹಣೆಯಲ್ಲಿನ ತಪ್ಪುಗಳನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯೊಳಗೆ ಸರಿಪಡಿಸಲು ತಪ್ಪಿದಾಗ ;

(vii) ಸೇವೆಯಿಂದ ಅಕ್ರಮವಾಗಿ ತೆಗೆದುಹಾಕಿದ ನೌಕರನನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯೊಳಗೆ ಕೆಲಸಕ್ಕೆ ಪುನಃ ತೆಗೆದುಕೊಳ್ಳಲು ತಪ್ಪಿರುವಾಗ, ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ವೇತನ ಅಥವಾ ಇತರ ಸೌಲಭ್ಯಗಳನ್ನು ಆ ನೌಕರನಿಗೆ ಸಂದಾಯ ಮಾಡುವಂತೆ ನಿರ್ದೇಶಿಸಿದಾಗ, ಹಾಗೆ ಮಾಡಲು ತಪ್ಪಿದಾಗ.

(3) ಈ ಅಧಿನಿಯಮದ ಇತರ ಉಪಬಂಧಗಳಿಗೊಳಪಟ್ಟು ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಹೊರಡಿಸಿದ ಪ್ರತಿಯೊಂದು ಆದೇಶವು ಅಂತಿಮವಾಗಿರತಕ್ಕದ್ದು ಹಾಗೂ ಅದನ್ನು ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಶ್ನಿಸತಕ್ಕದ್ದಲ್ಲ.

54. ಖಾಸಗಿ ಸಂಸ್ಥೆಗಳ ನಿಧಿಗಳ ಮತ್ತು ಚರ ಸ್ವತ್ತಿನ ಬಳಕೆ : - (1) ಪ್ರತಿಯೊಂದು ಖಾಸಗಿ ಸಂಸ್ಥೆಯು ಸ್ವೀಕರಿಸಿದ ಅಥವಾ ಅದು ಅಥವಾ ಅದರ ಪರವಾಗಿ ಹೊಂದಿರುವ ಎಲ್ಲ ಹಣವನ್ನು , ಅದುವೇ ಉದ್ದೇಶಗಳಿಗಾಗಿದೆಯೋ ಆ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಬಳಸತಕ್ಕದ್ದು ಮತ್ತು ನಿಯಮಿಸಬಹುದಾದಂಥ ರೀತಿಯಲ್ಲಿ ಆಡಳಿತ ಪರಿಷತ್ತು ಅದರ ಬಗ್ಗೆ ಲೆಕ್ಕಗಳನ್ನು ಕೊಡತಕ್ಕದ್ದು.

(2) ಪ್ರತಿಯೊಂದು ಖಾಸಗಿ ಸಂಸ್ಥೆಯು ಸ್ವೀಕರಿಸಿದ ಅಥವಾ ಅದು ಅಥವಾ ಅದರ ಪರವಾಗಿ ಹೊಂದಿರುವ ಎಲ್ಲ ಹಣವನ್ನು ಬ್ಯಾಂಕಿನಲ್ಲಿ ಠೇವಣಿಯಿಡತಕ್ಕದ್ದು.

(3) ಅಂಥ ಪ್ರತಿಯೊಂದು ಸಂಸ್ಥೆಯ ಹೆಚ್ಚುವರಿ ನಿಧಿಯನ್ನು ನಿಯಮಿಸಬಹುದಾದಂತಹ ರೀತಿಯಲ್ಲಿ ತೊಡಗಿಸತಕ್ಕದ್ದು ಮತ್ತು ಆ ನಿಧಿಯನ್ನು ಶಿಕ್ಷಣ ಅಭಿವೃದ್ಧಿಗಾಗಿ ಮಾತ್ರವೇ ಬಳಸತಕ್ಕದ್ದು.

ವಿವರಣೆ - ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಕ್ಕಾಗಿ “ಹೆಚ್ಚುವರಿ ನಿಧಿ” ಎಂದರೆ ಹಿಂದಿನ ಮೂರು ಶೈಕ್ಷಣಿಕ ವರ್ಷಗಳಲ್ಲಿನ ಆ ಸಂಸ್ಥೆಯ ಎಲ್ಲ ಉದ್ದೇಶಗಳಿಗೆ, ಅಗತ್ಯತೆಗಳಿಗೆ ಅಥವಾ ಅಭಿವೃದ್ಧಿಗೆ ಬೇಕಾದ ಹಣವನ್ನು ಒದಗಿಸಿದ ತರುವಾಯ ಪ್ರತಿಯೊಂದು ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಆರಂಭದಲ್ಲಿ ಆ ಸಂಸ್ಥೆಯಲ್ಲಿ ಬಳಸದೆ ಉಳಿದಿರುವ ಹಣ ಎಂದರ್ಥ.

ಅಧ್ಯಾಯ - X

55. ಲೆಕ್ಕಗಳು - ರಾಜ್ಯ ನಿಧಿಗಳಿಂದ ಅಥವಾ ಇತರ ಮೂಲಗಳಿಂದ ಅನುದಾನಗಳನ್ನು ಸ್ವೀಕರಿಸುತ್ತಿರುವ ಪ್ರತಿಯೊಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು, ನಿಯಮಿಸಬಹುದಾದಂತಹ ರೀತಿಯಲ್ಲಿ ಲೆಕ್ಕಗಳನ್ನು ಇಟ್ಟುಕೊಂಡು ಬರತಕ್ಕದ್ದು ಮತ್ತು ಲೆಕ್ಕಗಳು ನಿಯಮಿಸಬಹುದಾದಂತಹ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು.

56. ಲೆಕ್ಕಗಳ ವಾರ್ಷಿಕ ಪರಿಶೋಧನೆ:- (1) ರಾಜ್ಯ ನಿಧಿಗಳಿಂದ ಅನುದಾನಗಳನ್ನು ಸ್ವೀಕರಿಸುತ್ತಿರುವ ಪ್ರತಿಯೊಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ಲೆಕ್ಕಗಳನ್ನು ಪ್ರತಿಯೊಂದು ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಕೊನೆಯಲ್ಲಿ ನಿಯಮಿಸಬಹುದಾದಂತಹ ಕಾರ್ಯ ವಿಧಾನವನ್ನು ಅನುಸರಿಸಿ, ನಿಯಮಿಸಬಹುದಾದಂತಹ ಪ್ರಾಧಿಕಾರವು, ಅಧಿಕಾರಿಯು ಅಥವಾ ವ್ಯಕ್ತಿಯು ಪರಿಶೋಧಿಸತಕ್ಕದ್ದು ಮತ್ತು ಬೇರೆ ಬೇರೆ ವರ್ಗಗಳ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳಿಗೆ ಬೇರೆ ಬೇರೆ ಪ್ರಾಧಿಕಾರಗಳನ್ನು ಅಧಿಕಾರಿಗಳನ್ನು ಅಥವಾ ವ್ಯಕ್ತಿಗಳನ್ನು ನಿಯಮಿಸಬಹುದು.

(2) (ಎ) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು, ರಾಜ್ಯ ಸರ್ಕಾರದ ನಿಧಿಗಳಿಂದ ಸ್ವೀಕರಿಸಲಾದ ಅನುದಾನಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅದು ಇಡುವಂತೆ ಅಗತ್ಯಪಡಿಸಲಾದ ಎಲ್ಲ ಲೆಕ್ಕದ ಪುಸ್ತಕಗಳ, ಮತ್ತಿತರ ದಸ್ತಾವೇಜುಗಳ ಪರಿಶೀಲನೆಯ ಬಗ್ಗೆ ನಿಯಮಿಸಲಾದ ಪ್ರಾಧಿಕಾರಿಗೆ, ಅಧಿಕಾರಿಗೆ, ಅಥವಾ ವ್ಯಕ್ತಿಗೆ ಪೂರ್ಣ ಅವಕಾಶವು ಇರತಕ್ಕದ್ದು ಮತ್ತು ಅವರು (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗಿನ ಲೆಕ್ಕಗಳ ಪರಿಶೋಧನೆಯ ತರುವಾಯ ಅದರ ವರದಿಯ ಒಂದು ಪ್ರತಿಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕಳುಹಿಸತಕ್ಕದ್ದು; ಆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಆ ವರದಿಯನ್ನು ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಗೆ ಕಳುಹಿಸತಕ್ಕದ್ದು.

(ಬಿ) ನಿಯಮಿಸಬಹುದಾದಂತಹ ಕಾಲದೊಳಗೆ ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಯು ತನ್ನ ಅಭಿಪ್ರಾಯಗಳ ಸಮೇತ ವರದಿಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸತಕ್ಕದ್ದು.

57. ಪರಿಶೀಲನೆ, ವಿಚಾರಣೆ ಇತ್ಯಾದಿ - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ತಾನಾಗಿಯೇ ಆಗಲಿ ಅಥವಾ ಬೇರೆ ರೀತಿಯಲ್ಲಿ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ, ಅದರ ಲೆಕ್ಕಪತ್ರಗಳು, ಅದರ ಕಟ್ಟಡಗಳು, ಪ್ರಯೋಗಾಲಯಗಳು, ಗ್ರಂಥಾಲಯಗಳು, ಕಾರ್ಯಾಗಾರಗಳು ಮತ್ತು ಸಾಧನ ಸಾಮಗ್ರಿಗಳು ಹಾಗೂ ಸಂಸ್ಥೆಯು ನಡೆಸುತ್ತಿರುವ ಪರೀಕ್ಷೆಗಳು ಅಥವಾ ಮಾಡುತ್ತಿರುವ ಬೋಧನೆ ಮತ್ತು ಇತರ ಕೆಲಸಗಳು ಇವುಗಳ ಬಗ್ಗೆ ತಾನು ನಿರ್ದೇಶಿಸಬಹುದಾದಂತಹ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳು ನಿಯಮಿಸಬಹುದಾದಂತಹ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿ ಪರಿಶೀಲನೆಯನ್ನು ಅಥವಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸುವಂತೆ ಮಾಡಬಹುದು. ಅಥವಾ ಅಂಥ ಸಂಸ್ಥೆಯು ನಡೆಸುವ ಪರೀಕ್ಷೆ ಅದರ ಕಾರ್ಯ ನಿರ್ವಹಣೆ ಮತ್ತು ಹಣಕಾಸು ಸ್ಥಿತಿಯ

ಸಂಬಂಧದಲ್ಲಿ ಮತ್ತು ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಿಸಿದ ಇತರ ಯಾವುದೇ ವಿಷಯದಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆಸುವಂತೆ ಮಾಡಬಹುದು.

(2) ಅಂಥ ಪರಿಶೀಲನೆ ಅಥವಾ ವಿಚಾರಣೆಯ ಉದ್ದೇಶಗಳಿಗೆ ಅಗತ್ಯವಾಗಬಹುದಾದಂಥ ಎಲ್ಲಾ ಸಹಾಯ ಹಾಗೂ ಸೌಲಭ್ಯಗಳನ್ನು ಯುಕ್ತ ಸಮಯಗಳಲ್ಲಿ ಮೇಲೆ ಹೇಳಲಾದ ಅಧಿಕಾರಿಗೆ ಒದಗಿಸಲು ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತು ಮತ್ತು ನೌಕರರು ಬದ್ಧರಾಗಿರತಕ್ಕದ್ದು.

(3) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಧಿಕೃತನಾದ ಅಧಿಕಾರಿಯು, ಈ ಕೆಳಕಂಡ ಅಧಿಕಾರಗಳನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು:-

(ಎ) ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ಸೇರಿದ ಅಥವಾ ಅದರ ಅಭಿರಕ್ಷೆಯಲ್ಲಿರುವ ಪುಸ್ತಕಗಳು, ಲೆಕ್ಕಪತ್ರಗಳು, ದಸ್ತಾವೇಜುಗಳು, ಭದ್ರತೆಗಳು, ನಗದು ಹಣ ಮತ್ತು ಇತರ ಸ್ವತ್ತುಗಳನ್ನು ಎಲ್ಲಾ ಯುಕ್ತ ಸಮಯಗಳಲ್ಲಿ ಪರಿಶೀಲಿಸಲು ಅವನಿಗೆ ಅವಕಾಶವಿರತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಪುಸ್ತಕಗಳು, ಲೆಕ್ಕಪತ್ರಗಳು, ದಸ್ತಾವೇಜುಗಳು, ಭದ್ರತೆಗಳು, ನಗದು ಹಣ ಅಥವಾ ಇತರ ಸ್ವತ್ತುಗಳನ್ನು ವಶದಲ್ಲಿಟ್ಟುಕೊಂಡಿರುವ ಅಥವಾ ಅವುಗಳ ಅಭಿರಕ್ಷೆಯ ಹೊಣೆಗಾರಿಕೆಯನ್ನು ಹೊಂದಿರುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯನ್ನು, ತಾನು ನಿರ್ದೇಶಿಸಬಹುದಾದ, ಯಾವುದೇ ಸ್ಥಳದಲ್ಲಿ ಅವುಗಳನ್ನು ಹಾಜರುಪಡಿಸಲು ಅವರು ಸಮನು ಮಾಡಬಹುದು.

(ಬಿ) ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ವ್ಯವಹಾರಗಳ ಬಗ್ಗೆ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಯಾವುದೇ ತಿಳುವಳಿಕೆಯನ್ನು ಹೊಂದಿರುವನೆಂದು ಆ ಅಧಿಕಾರಿಗೆ ನಂಬಲು ಕಾರಣವಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಅಂಥ ವ್ಯಕ್ತಿಯು ತನ್ನ ಮುಂದೆ ಹಾಜರಾಗುವಂತೆ ಆ ಅಧಿಕಾರಿಯು ಅವನನ್ನು ಸಮನು ಮಾಡಬಹುದು ಮತ್ತು ಪ್ರಮಾಣ ಮಾಡಿಸಿ ಅಂಥ ವ್ಯಕ್ತಿಯನ್ನು ಪರೀಕ್ಷಿಸಬಹುದು.

(4) ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅಂಥ ತನಿಖೆ ಅಥವಾ ವಿಚಾರಣೆಯ ಫಲಿತಾಂಶಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಂಥ ಪ್ರಾಧಿಕಾರಿಯು ಅಭಿಪ್ರಾಯಗಳನ್ನು ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಗೆ ತಿಳಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅದರ ಮೇಲೆ ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಯ ಅಭಿಪ್ರಾಯವನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡ ತರುವಾಯ ಕೈಗೊಳ್ಳಬೇಕಾದ ಕ್ರಮದ ಬಗ್ಗೆ ಆ ಏಜೆನ್ಸಿಗೆ ಸಲಹೆ ನೀಡಬಹುದು.

(5) ಅಂಥ ತನಿಖೆ ಅಥವಾ ವಿಚಾರಣೆಯ ಫಲಿತಾಂಶಗಳ ಮೇಲೆ ಕೈಕೊಳ್ಳಲುದ್ದೇಶಿಸಿದ ಅಥವಾ ಕೈಗೊಂಡ ಕ್ರಮ ಯಾವುದಾದರೂ ಇದ್ದರೆ ಅದರ ಬಗ್ಗೆ ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಯು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರರಕ್ಕೆ ವರದಿ ಮಾಡತಕ್ಕದ್ದು. ಅಂಥ ವರದಿಯನ್ನು, ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ನಿರ್ದೇಶಿಸಬಹುದಾದಂಥ ಅವಧಿಯೊಳಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

(6) ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಯು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಮನವರಿಕೆಯಾಗುವ ಹಾಗೆ ಸೂಕ್ತ ಸಮಯದೊಳಗೆ ಕ್ರಮಕೈಗೊಳ್ಳದಿದ್ದರೆ, ಅದು ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಯು ನೀಡಿದ ಯಾವುದೇ ವಿವರಣೆಯನ್ನು ಅಥವಾ ಮಾಡಿಕೊಂಡ ಮನವಿಯನ್ನು ಪರಿಶೀಲಿಸಿದ ತರುವಾಯ, ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡಬಹುದು ಮತ್ತು ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಯು ಹಾಗೂ ಸಂಸ್ಥೆಯ ಮುಖ್ಯಸ್ಥರು, ಅಂಥ ನಿರ್ದೇಶನಗಳನ್ನು ಪಾಲಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಪ್ರತಿಯೊಂದು ನಿರ್ದೇಶನವನ್ನು ಕಾರ್ಯಗತಗೊಳಿಸಲು ಹೊಣೆಯಾಗಿರತಕ್ಕದ್ದು.

58. ವಿವರಣಪಟ್ಟಿಕೆ, ಮುಂತಾದುವುಗಳನ್ನು ಒದಗಿಸುವುದು - ಪ್ರತಿಯೊಂದು ಶಿಕ್ಷಣ ಏಜೆನ್ಸಿಯು, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ಅಗತ್ಯಪಡಿಸಬಹುದಾದಂಥ ವಿವರಪಟ್ಟಿಕೆಗಳನ್ನು, ಅಂಕಿ ಅಂಶಗಳನ್ನು ಮತ್ತು ಇತರ ಮಾಹಿತಿಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಬಂಧದಲ್ಲಿ ನಿಗದಿಪಡಿಸಬಹುದಾದಂಥ ಅವಧಿಯೊಳಗೆ ಅಥವಾ ವಿಸ್ತರಿಸಬಹುದಾದಂಥ ಅವಧಿಯೊಳಗೆ ಆ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒದಗಿಸತಕ್ಕದು.

ಅಧ್ಯಾಯ - XI

ನೆರವು ಪಡೆಯುತ್ತಿರುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಸ್ವತ್ತು ವರ್ಗಾವಣೆಗೆ ನಿಷೇಧ

58. ಪರಿಭಾಷೆಗಳು - ಈ ಅಧ್ಯಾಯದಲ್ಲಿ

(ಎ) 'ಆಡಳಿತ ಪರಿಷತ್ತು' ಎಂದರೆ ಒಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಸೇರಿದ ಯಾವುದೇ ಜಮೀನು ಅಥವಾ ಕಟ್ಟಡಗಳು ವರ್ಗಾಯಿಸುವ ಅಧಿಕಾರ ಹೊಂದಿರುವ ಒಡೆಯ, ನ್ಯಾಸಧಾರಿ ಅಥವಾ ಇತರ ವ್ಯಕ್ತಿ ಮತ್ತು ಅದರಲ್ಲಿ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವೂ ಸೇರಿರುತ್ತದೆ.

(ಬಿ) 'ವರ್ಗಾವಣೆ' ಯಲ್ಲಿ ಮಾರಾಟ, ವಿನಿಮಯ, ಅಡಮಾನ, ಋಣಭಾರ, ಗುತ್ತಿಗೆ ಅಥವಾ ದಾನ ಇವುಗಳೂ ಸೇರಿರುತ್ತವೆ.

60. ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಸರ್ಕಾರದ ಅನುಮತಿ ಇಲ್ಲದೆ, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಜಮೀನು ಹಾಗೂ ಕಟ್ಟಡಗಳನ್ನು ವರ್ಗಾಯಿಸಲು ನಿಷೇಧ - (1) ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾಗುವುದಕ್ಕೆ ಮುಂಚೆ ಅಥವಾ ಅನಂತರ -

(2) ರಾಜ್ಯದ ನಿಧಿಯಿಂದ ಕೊಡಲಾದ ಯಾವುದೇ ಅನುದಾನದ ಸಹಾಯದಿಂದ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಯಾವುದೇ ಜಮೀನನ್ನು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ಅರ್ಜಿಸಿದ, ಕಟ್ಟಡ ಕಟ್ಟಿದ್ದರೆ, ಸುಧಾರಿತ ಮಾಡಿದ್ದರೆ ಅಥವಾ ಪರಿವರ್ತನೆ ಮಾಡಿದ್ದರೆ; ಅಥವಾ

(ಬಿ) ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಉಪಯೋಗಿಸಲು ಸರ್ಕಾರವು ಯಾವುದೇ ಜಮೀನನ್ನು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ವರ್ಗಾವಣೆ ಮಾಡಿದ್ದರೆ

- ಆಗ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಅಥವಾ ವರ್ಗಾವಣೆಯ ಯಾವುದೇ ತ್ರದಲ್ಲಿ ಅಥವಾ ಜಮೀನಿಗೆ ಅಥವಾ ಕಟ್ಟಡಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ಇತರ ದಸ್ತಾವೇಜಿನಲ್ಲಿ ವ್ಯತಿರಿಕ್ತವೇನಾದರೂ ಇದ್ದಾಗ್ಯೂ (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರದ ಅನುಮತಿ ಇಲ್ಲದೆ ಅದನ್ನು ವರ್ಗಾವಣೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ. ಅಥವಾ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಉದ್ದೇಶಗಳಲ್ಲದ ಅತವಾ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಉದ್ದೇಶಗಳಲ್ಲದ ಇತರ ಯಾವುದೇ ಉದ್ದೇಶಕ್ಕಾಗಿ ಆ ಜಮೀನನ್ನು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರದ ಅನುಮತಿ ಇಲ್ಲದೆ ಉಪಯೋಗಿಸತಕ್ಕದ್ದಲ್ಲ.

(2) ರಾಜ್ಯ ಸರ್ಕಾರವು ತಾನು ವಿಧಿಸಬಹುದಾದಂಥ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು, ಕೆಳಕಂಡ

ಸಂದರ್ಭಗಳಲ್ಲಿ ಎಂದರೆ :-

(ಎ) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಅಭಿವೃದ್ಧಿಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಥವಾ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿರುವ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅನುಮೋದಿಸಿದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ವರ್ಗಾವಣೆಯನ್ನು ಮಾಡುವುದಾದರೆ ಮತ್ತು ಅಂಥ ವರ್ಗಾವಣೆಯ ಉತ್ಪತ್ತಿಗಳನ್ನು ಪೂರ್ಣವಾಗಿ ಮೇಲೆ ಹೇಳಲಾದ ಉದ್ದೇಶಗಳ ಸಾಧನೆಗಾಗಿ ಉಪಯೋಗಿಸಿಕೊಳ್ಳುವುದಾದರೆ ;

(ಬಿ) ಮೇಲೆ ಹೇಳಿದ ಉದ್ದೇಶಗಳ ಸಾಧನೆಗಾಗಿ ಭಾಗಶಃ ವರ್ಗಾವಣೆಯನ್ನು ಮಾಡಲಾಗಿದ್ದರೆ, ಪರಂತು (1)ನೇಯ ಉಪಪ್ರಕರಣದ (ಎ) ಖಂಡದಲ್ಲಿ ಉಲ್ಲೇಖಿತವಾದ ಅನುದಾನದ ಪೈಕಿ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ (1)ನೇ ಉಪಪ್ರಕರಣದ (ಬಿ) ಖಂಡದಲ್ಲಿ ಉಲ್ಲೇಖಿತವಾದ ಜಮೀನಿನ ಅಥವಾ ಕಟ್ಟಡದ ಚಾಲ್ತಿಮಾರುಕಟ್ಟೆ ಮೌಲ್ಯದ ಪೈಕಿ ಅಥವಾ ಅವೆರಡರ ಪೈಕಿ ಪ್ರಕರಣದ ಸನ್ನಿವೇಶಕ್ಕನುಗುಣವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿರ್ದೇಶಿಸಬಹುದಾದಂಥ ಭಾಗವನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಮರು ಸಂದಾಯ ಮಾಡಿರಬೇಕು;

(ಸಿ) ವರ್ಗಾವಣೆಯನ್ನು ಇತರ ಯಾವುದೇ ಕಾನೂನು ಸಮ್ಮತವಾದ ಕಾರಣಕ್ಕಾಗಿ ಮಾಡುವುದಾದರೆ, ಪರಂತು (1)ನೇ ಉಪಪ್ರಕರಣದ (ಎ) ಖಂಡದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಅನುದಾನವನ್ನು ಪೂರ್ತಿಯಾಗಿ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ (1)ನೇ ಉಪಪ್ರಕರಣದ (ಬಿ) ಖಂಡದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಜಮೀನಿನ ಅಥವಾ ಕಟ್ಟಡದ ಚಾಲ್ತಿಮಾರುಕಟ್ಟೆ ಮೌಲ್ಯವನ್ನು ಪೂರ್ತಿಯಾಗಿ ಅಥವಾ ಅವೆರಡನ್ನೂ ಪೂರ್ತಿಯಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಮರು ಸಂದಾಯ ಮಾಡಿರಬೇಕು.

- ಅಂಥ ಯಾವುದೇ ಜಮೀನು ಅಥವಾ ಕಟ್ಟಡಗಳ ವರ್ಗಾವಣೆಗೆ ಲಿಖಿತ ಆದೇಶದ ಮೂಲಕ ಅನುಮತಿ ನೀಡಬಹುದು :

(3) (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಸರ್ಕಾರದ ಅನುಮತಿಯನ್ನು ತೆಗೆದುಕೊಳ್ಳದೆ ಮಾಡಿದ ಜಮೀನಿನ ಅಥವಾ ಕಟ್ಟಡದ ಯಾವುದೇ ವರ್ಗಾವಣೆಯ ರದ್ದಾಗತಕ್ಕದ್ದು ಮತ್ತು ಅನೂರ್ಜಿತವಾಗತಕ್ಕದ್ದು.

61. 60ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳ ಉಲ್ಲಂಘನೆಯ ಪರಿಣಾಮ - ಯಾವುದೇ ಜಮೀನಿಗೆ ಅಥವಾ ಕಟ್ಟಡಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, 60ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಂಬಂಧಪಟ್ಟ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ಮನವಿಯನ್ನು ಮಾಡಿಕೊಳ್ಳಲು ಅವಕಾಶವನ್ನು ಕೊಟ್ಟಿರುವಾಯ ಅಂಥ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ ಎಂದು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಮನದಟ್ಟಾದರೆ, ಅದು ಆದೇಶದ ಮೂಲಕ ಕಳಕಂಡಂತೆ ನಿರ್ದೇಶಿಸಬಹುದು :-

(ಎ) ಆ ಜಮೀನು ಅಥವಾ ಜಮೀನು ಮತ್ತು ಅದರಲ್ಲಿರುವ ಕಟ್ಟಡವು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿದ್ದು ಮತ್ತು ಸರ್ಕಾರವು ಅದನ್ನು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ವರ್ಗಾಯಿಸಿದ್ದರೆ, ಆ ಜಮೀನನ್ನು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಜಮೀನು ಮತ್ತು ಅದರಲ್ಲಿರುವ ಕಟ್ಟಡವನ್ನು ಸ್ವಾಧೀನಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಜಿಲ್ಲಾಧಿಕಾರಿಗೆ ನಿರ್ದೇಶಿಸಬಹುದು ಅಥವಾ ಆ ಜಮೀನನ್ನು ಅಥವಾ ಅದರೊಂದಿಗೆ ಕಟ್ಟಡವನ್ನು ಸಹ ವರ್ಗಾಯಿಸಿದ್ದರೆ ಅದರ ಮತ್ತು ಜಮೀನಿನ ಚಾಲ್ತಿಮಾರುಕಟ್ಟೆ ಮೌಲ್ಯವನ್ನು ಪೂರ್ತಿಯಾಗಿ ಮತ್ತು

ಜಮೀನನ್ನು ಅಭಿವೃದ್ಧಿಪಡಿಸಲು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ಮಾರ್ಪಾಡುಗೊಳಿಸಲು ಅಥವಾ ಕಟ್ಟಲು ರಾಜ್ಯ ಸರ್ಕಾರವು ಏನಾದರೂ ಅನುದಾನ ನೀಡಿದ್ದರೆ ಆ ಅನುದಾನದ ಮೊತ್ತವನ್ನು ಪೂರ್ತಿ ಯಾಗಿ ತನಗೆ ಸಂದಾಯ ಮಾಡುವಂತೆ ತನ್ನ ಇಚ್ಛಾನುಸಾರ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ನಿರ್ದೇಶಿಸಬಹುದು; ಮತ್ತು

(ಬಿ) ಆ ಜಮೀನು ಅಥವಾ ಅದರಲ್ಲಿ ಯಾವುದೇ ಕಟ್ಟಡವಿದ್ದರೆ ಆ ಕಟ್ಟಡವು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿದಿದ್ದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚಿಸಬಹುದಾದಂಥ ದರದಲ್ಲಿ ಉಲ್ಲಂಘನೆಯ ದಿನಾಂಕದಿಂದ ಬಡ್ಡಿಸಹಿತ ರಾಜ್ಯ ಸರ್ಕಾರವು ನೀಡಿದ ಅನುದಾನವನ್ನು ಪೂರ್ಣವಾಗಿ ಮರು ಸಂದಾಯ ಮಾಡಲು ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ನಿರ್ದೇಶಿಸಬಹುದು.

62. 60ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಮತ್ತು 62ನೇ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಆದೇಶದ ಪರಿಣಾಮ - (1) 60ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಅಥವಾ 61ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಪ್ರತಿಯೊಂದು ಆದೇಶವು (2) ಮತ್ತು (3)ನೇ ಉಪಪ್ರಕರಣಗಳ ಉಪಬಂಧನಗಳಿಗೊಳಪಟ್ಟು ಅಂತಿಮವಾಗಿರತಕ್ಕದ್ದು.

(2) ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವಲ್ಲದ ಯಾವ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿನ ವಿಷಯದಲ್ಲಿ ಅಂಥ ಆದೇಶವನ್ನು ಹೊರಡಿಸಲಾಗಿದೆಯೋ ಆ ಆಡಳಿತ ಪರಿಷತ್ತು, ತನ್ನಿಂದ ಅಥವಾ ತನಗೆ ಮರು ಸಂದಾಯವಾಗಬೇಕಾಗಿರುವ ಅಥವಾ ಸಂದಾಯವಾಗಬೇಕಾಗಿರುವ ಮೊತ್ತವನ್ನು ಆದೇಶದಲ್ಲಿ ತಪ್ಪಾಗಿ ನಿಗದಿಪಡಿಸಲಾಗಿದೆ ಎಂಬ ಕಾರಣದ ಮೇಲೆ ಸಂದರ್ಭಾನುಸಾರ 60ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಅಥವಾ 61ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧನಗಳಿಗನುಸಾರವಾಗಿ ಅಂಥ ಮೊತ್ತವನ್ನು ಸರಿಯಾಗಿ ನಿಗದಿಪಡಿಸಬೇಕೆಂದು ಆ ಮೊತ್ತವು ಯಾವ ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದೆಯೋ ಆ ಸ್ವತ್ತು ಇರುವ ಸ್ಥಳದ ಮೇಲೆ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಹೊಂದಿರುವ ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶರಿಗೆ, ತಾನು ಆ ಆದೇಶವನ್ನು ಸ್ವೀಕರಿಸಿದ ದಿನಾಂಕದಿಂದ ಅರವತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಬಹುದು.

(3) ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶನು, ಆಡಳಿತ ಪರಿಷತ್ತಿನ ಅಥವಾ ಅದಕ್ಕೆ ಸಂದರ್ಭಾನುಸಾರ 60ನೇ ಪ್ರಕರಣದ ಉಪಪ್ರಕರಣ (2)ರ ಅತವಾ 61ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧನಗಳಿಗನುಸಾರವಾಗಿ ಮರುಸಂದಾಯವಾಗಬೇಕಾದ ಅಥವಾ ಸಂದಾಯವಾಗಬೇಕಾದ ಸರಿಯಾದ ಮೊತ್ತವನ್ನು ನಿರ್ಧರಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ನಿರ್ಧಾರವು ಅಂತಿಮವಾಗತಕ್ಕದ್ದು.

63. ಸ್ವಾಧೀನವನ್ನು ತೆಗೆದುಕೊಂಡ ತರುವಾಯ ಜಮೀನು ಅಥವಾ ಕಟ್ಟಡವು ನಿರುಪಾಧಿಕವಾಗಿ ಸರ್ಕಾರದಲ್ಲೇ ನಿಹಿತವಾಗುವುದು - (1) 61ನೇ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಆದೇಶಕ್ಕನುಸಾರವಾಗಿ ಜಿಲ್ಲಾಧಿಕಾರಿಯು ಸ್ವತಃ ಅಥವಾ ಬೇರೆಯವರ ಮೂಲಕ ಯಾವುದೇ ಜಮೀನು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ಸ್ವಾಧೀನಕ್ಕೆ ತೆಗೆದುಕೊಂಡಾಗ ಅದು ಎಲ್ಲಾ ಋಣಭಾರದಿಂದ ಮುಕ್ತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ನಿರುಪಾಧಿಕವಾಗಿ ನಿಹಿತವಾಗತಕ್ಕದ್ದು.

(2) ಜಿಲ್ಲಾಧಿಕಾರಿ ಅಥವಾ ಈ ಸಂಬಂಧದಲ್ಲಿ ಅವನಿಂದ ಅಧಿಕಾರ ಪಡೆದ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ ಯಾವುದೇ ಜಮೀನು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ಸ್ವಾಧೀನಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳುವಾಗ ಯಾವನಾದರೂ ವಿರೋಧಿಸಿದರೆ ಅಥವಾ ಆಡಳಿತ ಉಂಟು ಮಾಡಿದರೆ ಜಿಲ್ಲಾಧಿಕಾರಿಯೇ ಮ್ಯಾಜಿಸ್ಟ್ರೇನಾಗಿದ್ದರೆ, ಅಂಥ ಜಮೀನನ್ನು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ತನಗೆ ಒಪ್ಪಿಸುವಂತೆ ಒತ್ತಾಯಿಸತಕ್ಕದ್ದು ಮತ್ತು

ಜಿಲ್ಲಾಧಿಕಾರಿಯೇ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟನಲ್ಲದಿದ್ದರೆ, ಮ್ಯಾಜಿಸ್ಟ್ರೇಟನಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸತಕ್ಕದು ಮತ್ತು ಅಂಥ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು, ಜಮೀನನ್ನು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿಗೆ ಬಿಟ್ಟುಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸತಕ್ಕದು.

(3) ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ, ಯಾವುದೇ ಜಮೀನನ್ನು ಅಥವಾ ಕಟ್ಟಡವನ್ನು ಸ್ವಾಧೀನಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳುವಾಗ ಜಿಲ್ಲಾಧಿಕಾರಿಯನ್ನು ಅಥವಾ ಅವನಿಂದ ಪ್ರಾಧಿಕಾರ ಪಡೆದ ಯಾವನೇ ವ್ಯಕ್ತಿಯನ್ನು ವಿರೋಧಿಸುವ ಅಥವಾ ಅವನಿಗೆ ಆಡಚಣೆಯುಂಟು ಮಾಡುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಆರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಅಥವಾ ಐದು ಸಾವಿರ ರೂ. ಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದು.

64. ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ ಬಾಕಿ ಇರುವ ಮೊತ್ತದ ವಸೂಲಾತಿ : - 60ನೇ ಪ್ರಕರಣದ ಅಥವಾ 62ನೇ ಪ್ರಕರಣದ ಅಥವಾ 62ನೇ ಪ್ರಕರಣದ ಅನುಸಾರವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಮರು ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಅಥವಾ ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಯಾವುದೇ ಮೊತ್ತವನ್ನು ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಉಪಬಂಧಿಸಲಾದ ವಸೂಲಾತಿಯ ಯಾವುದೇ ವಿಧಾನಕ್ಕೆ ಬಾಧಕವಾಗದಂತೆ, ಆ ಮೊತ್ತವು ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಿಂದ ಅಥವಾ ಆಡಳಿತ ಪರಿಷತ್ತಿನಿಂದ ಬರತಕ್ಕ ಭೂಕಂದಾಯದ ಬಾಕಿಯಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಅಂಥ ಸಂಸ್ಥೆಯ ಸ್ವತ್ತುಗಳಿಂದ ಅಥವಾ ಅದರ ಆಡಳಿತ ಪರಿಷತ್ತಿನಿಂದ ವಸೂಲು ಮಾಡಬಹುದು.

65. ರಾಜ್ಯ ಸರ್ಕಾರದ ಅನುಮತಿ ಇಲ್ಲದೆ ನ್ಯಾಯಾಲಯವು ಜಪ್ತಿ ಮಾರಾಟ, ಮುಂತಾದವುಗಳನ್ನು ಮಾಡದಿರುವುದು - (1) ನ್ಯಾಯಾಲಯದಿಂದ ಪರಿಹಾರವನ್ನು ನಿರೀಕ್ಷಿಸುತ್ತಿರುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ಪರಿಹಾರ ಪಡೆಯಲು ಅನುಮತಿ ಪಡೆದಿರುವ ಹೊರತು ಮತ್ತು ಅಂಥ ಅನುಮತಿಯನ್ನು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದಾಖಲು ಮಾಡಿದ ಹೊರತು, ಯಾವುದೇ ನ್ಯಾಯಾಲಯವು ಡಿಕ್ರಿಯನ್ನು ಅಥವಾ ಆದೇಶವನ್ನು ಜಾರಿಗೊಳಿಸುವ ಮೂಲಕವಾಗಲಿ ಅಥವಾ ಅನ್ಯಥಾ 60ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಯಾವುದೇ ಜಮೀನು ಅಥವಾ ಕಟ್ಟಡದ ಜಪ್ತಿಯಾಗಲು, ಮಾರಾಟವಾಗಲು ಅಥವಾ ಪ್ರಭಾರಕ್ಕೆ ಒಳಪಡಲು ಬದ್ಧವಾಗತಕ್ಕದಲ್ಲ.

(2) ಅಂಥ ಅನುಮತಿಯನ್ನು ನೀಡುವಾಗ, ರಾಜ್ಯ ಸರ್ಕಾರವು ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಷರತ್ತುಗಳನ್ನು ವಿಧಿಸಬಹುದು.

(3) ಮೇಲೆ ಹೇಳಿದಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರದ ಅನುಮತಿಯನ್ನು ಪಡೆದು ಅದನ್ನು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದಾಖಲು ಮಾಡದಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಅಥವಾ ಅಂಥ ಅನುಮತಿಯನ್ನು ನೀಡುವಾಗ ಸರ್ಕಾರವು ವಿಧಿಸಿದ ಷರತ್ತನ್ನು ಉಲ್ಲಂಘಿಸಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಯಾವುದೇ ನ್ಯಾಯಾಲಯವು ಅಂಥ ಯಾವುದೇ ಜಮೀನನ್ನು ಅತವಾ ಕಟ್ಟಡವನ್ನು ಜಪ್ತಿ ಅಥವಾ ಮಾರಾಟ ಮಾಡಿದ್ದರೆ ಅಥವಾ ಅದರ ಮೇಲೆ ಪ್ರಭಾರವನ್ನು ಸೃಷ್ಟಿಸಿದ್ದರೆ ಸಂದರ್ಭಾನುಸಾರ ಆ ಜಪ್ತಿಯು, ಮಾರಾಟವು ಅಥವಾ ಪ್ರಭಾರವು ರದ್ದಾಗತಕ್ಕದು ಮತ್ತು ಅನೂರ್ಜಿತವಾಗತಕ್ಕದು.

ಅಧ್ಯಾಯ - XII

ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಆಡಳಿತ ವಹಿಸಿಕೊಳ್ಳುವುದು ಅಧಿಗ್ರಹಣ ಮತ್ತು ಅರ್ಜನೆ

66. ಪರಿಭಾಷೆಗಳು - ಈ ಅಧ್ಯಾಯದಲ್ಲಿ

(ಎ) “ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ” ಎಂದರೆ, ಒಬ್ಬ ವ್ಯಕ್ತಿ ನಿಕಾಯ ಅಥವಾ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ನಡೆಸುತ್ತಿರುವ ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ಮನ್ನಣೆ ಪಡೆದು ಶಿಕ್ಷಣ ನೀಡುತ್ತಿರುವ ಯಾವುದೇ ಶಾಲೆ, ಕಾಲೇಜು ಅಥವಾ ಇತರ ಯಾವುದೇ ಸಂಸ್ಥೆ

(ಬಿ) “ಹಿತಾಸಕ್ತಿಯುಳ್ಳ ವ್ಯಕ್ತಿಗಳು” ಎಂದರೆ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು ವಹಿಸಿಕೊಂಡಿರುವುದಕ್ಕಾಗಿ ಅಥವಾ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಅಥವಾ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಇತರ ಯಾವುದೇ ಸಂಸ್ಥೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಉಪಯೋಗಿಸುವ ಸ್ವತ್ತನ್ನು ಅಧಿಗ್ರಹಣ ಅಥವಾ ಅರ್ಜನೆ ಮಾಡಿಕೊಂಡಿರುವುದಕ್ಕಾಗಿ ಸಂದಾಯವಾಗಬಹುದಾದ ಮೊಬಲಗಿನಲ್ಲಿ ಹಿತಾಸಕ್ತಿಯನ್ನು ಕೇಮು ಮಾಡುವ ಅಥವಾ ಅದರಲ್ಲಿ ಹಿತಾಸಕ್ತಿಯನ್ನು ಕೇಮು ಮಾಡಲು ಹಕ್ಕುಳ್ಳ ಎಲ್ಲ ವ್ಯಕ್ತಿಗಳು ಸೇರಿರುತ್ತಾರೆ.

67. ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಆಡಳಿತವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವುದು - ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದಾಗಲಿ ಅಥವಾ ಆ ಸಂಸ್ಥೆಗೆ ಮುಕ್ತವಾದ ಆಡಳಿತವನ್ನು ಒದಗಿಸಿಕೊಡುವ ದೃಷ್ಟಿಯಿಂದಾಗಲಿ, ತಾನು ವಹಿಸಿಕೊಳ್ಳಬೇಕೆಂದು ಸರ್ಕಾರವು ಅಭಿಪ್ರಾಯಪಡುವಲ್ಲಿ ಅದು ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತದ ಪ್ರಭಾರವನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಗೆ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯಕ್ಕೆ ಯಾವುದೇ ಮನವಿ ಸಲ್ಲಿಸಲು ಒಂದು ತಿಂಗಳ ನೋಟೀಸನ್ನು ಕೊಟ್ಟ ತರುವಾಯ ಒಂದು ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಿ, ಅದರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ದಿನಾಂಕದಂದು ಮತ್ತು ಆ ದಿನಾಂಕದಿಂದ. (ಒಂದು ವರ್ಷದ ಅವಧಿಗೆ) ಅದರ ಆಡಳಿತವು ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾಗತಕ್ಕದೆಂದು ನಿರ್ದೇಶಿಸಬಹುದು:

ಪರಂತು ಯಾವುದೇ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಯ, ಧರ್ಮದತ್ತಿಯ ಅಥವಾ ವಕ್ಫ್‌ನ ಆಡಳಿತದಲ್ಲಿರುವ ಯಾವುದೇ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು ಅದರ ಆಡಳಿತ ವರ್ಗದ ಸಮ್ಮತಿಯನ್ನು ಮುಂಚಿತವಾಗಿ ಪಡೆಯದೆ ವಹಿಸಿಕೊಳ್ಳತಕ್ಕದಲ್ಲ;

[ಮತ್ತೂ ಪರಂತು, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಯುಕ್ತವಾದ ಆಡಳಿತವನ್ನು ಒದಗಿಸುವ ದೃಷ್ಟಿಯಿಂದ, ಸದರಿ ಒಂದು ವರ್ಷದ ಅವಧಿ ಮುಗಿದ ತರುವಾಯ ಅಂಥ ಆಡಳಿತವು ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾಗಿರುವುದು ಮುಂದುವರೆಯಬೇಕೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂತೆ ಒಂದು ವರ್ಷವನ್ನು ಮೀರದ ಮತ್ತಷ್ಟು ಅವಧಿಗೆ ಅಂಥ ಆಡಳಿತದ ಮುಂದುವರಿಕೆಗೆ ಅದು ನಿರ್ದೇಶನವನ್ನು ನೀಡಬಹುದು. ಆದಾಗ್ಯೂ, ಹಾಗೆ ಆಡಳಿತವು ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತಗೊಂಡು ಮುಂದುವರೆಯತಕ್ಕ ಒಟ್ಟು ಅವಧಿಯು ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲಿ ಎರಡು ವರ್ಷಗಳನ್ನು ಮೀರತಕ್ಕದ್ದಲ್ಲ.]

1. 1998ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 8ರ (ಪ್ರ. 4) ಮೂಲಕ 11-4-1998ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಪ್ರತಿಯೋಜಿಸಲಾಗಿದೆ.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯೆಂಬುದರಲ್ಲಿ, ಆ ಉಪಪ್ರಕರಣದ ಮರೆಗೆ ಆಡಳಿತವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವ ದಿನಾಂಕಕ್ಕೆ ನಿಕಟ ಪೂರ್ವದಲ್ಲಿ (ಈ ಅಧ್ಯಾಯದಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಸದರಿ ದಿನಾಂಕವೆಂದು ಉಲ್ಲೇಖಿಸಲಾಗದೆ) ಇದ್ದಂತೆ ಆದರೆ ಎಲ್ಲ ಆಸ್ತಿಗಳು, ಹಕ್ಕುಗಳು ಮತ್ತು ಗುತ್ತಿಗೆ ಹಿಡುವಳಿಗಳು, ಅಧಿಕಾರಿಗಳು, ಪ್ರಾಧಿಕಾರಿಗಳು ಮತ್ತು ವಿಶೇಷಧಿಕಾರಿಗಳು ಮತ್ತು ಜಮೀನು ಮತ್ತು ಕಟ್ಟಡಗಳು, ಭೂಮಿ, ದಾಸ್ತಾನುಗಳು, ಉಪಕರಣಗಳು ಮತ್ತು ವಾಹನಗಳು ಸೇರಿದಂತೆ ಎಲ್ಲಾ ಚರ ಮತ್ತು ಸ್ವರ ಆಸ್ತಿಗಳು ಅವಧಿಗೆ ಬಾಕಿಗಳು, ಮೀಸಲು ನಿಧಿ, ಬಂಡವಾಳ ಹೂಡಿಕೆ ಮತ್ತು ಪುಸ್ತಕ ಋಣಗಳು ಹಾಗೂ ಅದರ ಒಡತನದಲ್ಲಿ, ಸ್ವಾಧೀನದಲ್ಲಿ, ಅಧಿಕಾರದಲ್ಲಿ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿದ್ದು ಸ್ವತ್ತಿನಿಂದ ಉದ್ಭವಿಸುವ ಇತರ ಎಲ್ಲ ಹಕ್ಕುಗಳು ಮತ್ತು ಹಿತಾಸಕ್ತಿಗಳು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ಲೆಕ್ಕಪುಸ್ತಕಗಳು, ರಿಜಿಸ್ಟ್ರರುಗಳು ಮತ್ತು ಯಾವುದೇ ಸ್ವರೂಪದ ದಸ್ತಾವೇಜುಗಳು ಸೇರಿರುವವು ಎಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

(3) ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ನಿಕಟಪೂರ್ವದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿದ್ದ ಯಾವುದೇ ವ್ಯಕ್ತವಾದ ಅಥವಾ ಇಂಗಿತವಾದ ಕರಾರು ಅಥವಾ ಕರಾರು ಅಲ್ಲದ ಇತರ ವ್ಯವಸ್ಥೆ ಅಥವಾ 61ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಒಪ್ಪಂದವು ಅದರ ಆಡಳಿತಕ್ಕೆ ಸಂಬಂಧಪಡುವಷ್ಟರಮಟ್ಟಿಗೆ, ಸದರಿ ದಿನಾಂಕದಂದು ಕೊನೆಗೊಂಡಿದೆ ಎಂಬುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು.

(4) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಆಡಳಿತವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ನಿಕಟ ಪೂರ್ವದಲ್ಲಿ ಅವುಗಳ ಆಡಳಿತವು ಯಾವ ವ್ಯಕ್ತಿಗಳಲ್ಲಿ ನಿಹಿತವಾಗಿದ್ದಿತ್ತೋ, ಅದು ಆ ಎಲ್ಲಾ ವ್ಯಕ್ತಿಗಳಲ್ಲಿ ಸದರಿ ದಿನಾಂಕದಿಂದ ಹಾಗೆ ನಿಹಿತವಾಗುವುದು ನಿಂತುಹೋಗತಕ್ಕದ್ದು ಮತ್ತು ಆ ಸದರಿ ವ್ಯಕ್ತಿಗಳು ತಮ್ಮ ಹುದ್ದೆಗಳನ್ನು ಸದರಿ ದಿನಾಂಕದಿಂದ ತೆರವು ಮಾಡಿದ್ದಾರೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

(5) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಯಾವ ವ್ಯಕ್ತಿಯ ಸಂಬಂಧದಲ್ಲಿ ಆಡಳಿತದ ಯಾವುದೇ ಕರಾರು ಅಥವಾ ಇತರ ವ್ಯವಸ್ಥೆಯು, (3)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿರುವ ಉಪಬಂಧಗಳ ಕಾರಣದಿಂದಾಗಿ ಮುಕ್ತಾಯವಾಗಿರುವುದೋ ಅಥವಾ (4)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿರುವ ಉಪಬಂಧಗಳ ಕಾರಣದಿಂದಾಗಿ ಅವನು ಯಾವುದೇ ಹುದ್ದೆಯನ್ನು ಹೊಂದಿರುವುದು ನಿಂತುಹೋಗಿರುವುದೋ, ಆ ವ್ಯಕ್ತಿಯು, ಸಂದರ್ಭಾನುಸಾರ ಆಡಳಿತದ ಕರಾರು ಅಥವಾ ಇತರ ವ್ಯವಸ್ಥೆಯು ಅವಧಿಗೆ ಮುಂಚೆ ಮುಕ್ತಾಯವಾದ ಬಗ್ಗೆ ಅಥವಾ ಆಡಳಿತ ವ್ಯವಸ್ಥೆಯ ಸಮಾಪ್ತಿಯ ಬಗ್ಗೆ ಅಥವಾ ಹುದ್ದೆಯನ್ನು ಕಳೆದುಕೊಂಡ ಬಗ್ಗೆ ಯಾವುದೇ ಪರಿಹಾರವನ್ನು ಕ್ಷೇಮು ಮಾಡಲು ಹಕ್ಕುಳ್ಳವನಾಗತಕ್ಕದ್ದಲ್ಲ.

(6) ಯಾವುದೇ ನ್ಯಾಯಾಲಯದ ನ್ಯಾಯಾಧಿಕರಣದ ಅಥವಾ ಇತರ ಪ್ರಾಧಿಕಾರದ ಯಾವುದೇ ತೀರ್ಪಿನಲ್ಲಿ, ಡಿಕ್ರಿಯಲ್ಲಿ ಅಥವಾ ಆದೇಶದಲ್ಲಿ ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಯಾವ ವ್ಯಕ್ತಿಯ ಸ್ವಾಧೀನದಲ್ಲಿ ಅಥವಾ ಅಭಿರಕ್ಷೆಯಲ್ಲಿ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿ ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು, ಅಥವಾ ಅದರ ಯಾವುದೇ ಭಾಗವು ಅಥವಾ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಆಸ್ತಿಗಳು ನಿಹಿತವಾಗಿರುವವೋ ಆ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕಾಗಿ ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರವು

2. 1998ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 8ರ (ಪ್ರ. 4) ಮೂಲಕ 11-4-1998ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಸೇರಿಸಲಾಗಿದೆ.

ನೇಮಿಸಿರುವ ವಿಶೇಷ ಅಧಿಕಾರಿಗೆ ಅಥವಾ ವಿಶೇಷ ಅಧಿಕಾರಿಯನ್ನು ನೇಮಕ ಮಾಡಲಾಗಿದ್ದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿರ್ದೇಶಿಸಬಹುದಾದಂಥ ಇತರ ವ್ಯಕ್ತಿಗೆ ಅವುಗಳನ್ನು ವರ್ಗಾವಣೆ ಮಾಡತಕ್ಕದು.

(7) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ವಹಿಸಿಕೊಳ್ಳುವ ಮೊದಲು ಅದರ ಸಂಬಂಧದಲ್ಲಿ ಖಾಸಗಿ ಆಡಳಿತ ವರ್ಗವು ವಹಿಸಿರುವಂಥ ಯಾವುದೇ ಹೊಣೆಗಾರಿಕೆಗಳು, ಸದರಿ ಆಡಳಿತ ಪರಿಷತ್ತಿನ ವಿರುದ್ಧ ಜಾರಿಗೊಳಿಸಲು ಅವಕಾಶವಿರತಕ್ಕದೇ ಹೊರತು, ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಥವಾ ವಿಶೇಷಾಧಿಕಾರಿಯ ವಿರುದ್ಧವಲ್ಲವೆಂದು ಯಾವುದೇ ಸಂದೇಹದ ನಿವಾರಣೆಗಾಗಿ ಈ ಮೂಲಕ ಘೋಷಿಸಲಾಗಿದೆ.

(8) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು, ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ಅಥವಾ ಆಡಳಿತ ಪರಿಷತ್ತಿನಲ್ಲಿ ನಿಹಿತಗೊಳಿಸುವ ಸಂಬಂಧದಲ್ಲಿ ಸಂದಾಯವಾಗತಕ್ಕ ಮೊಬಲಗು, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ಆಸ್ತಿತ್ವದಲ್ಲಿರುವ ಅವಧಿ ಅಥವಾ ಹಾಗೆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ನಿಹಿತವಾದ ದಿನಾಂಕದ ನಿಕಟ ಪೂರ್ವದ ಐದು ಅನುಕ್ರಮ ಲೆಕ್ಕ ವರ್ಷಗಳ ಅವಧಿ ಇವೆರಡರಲ್ಲಿ ಯಾವುದು ಕಡಿಮೆಯೋ ಆ ಅವಧಿಯ ಸರಾಸರಿ ನಿವ್ವಳ ವಾರ್ಷಿಕ ಅಧಿಕ ಆದಾಯದ ಮೊಬಲಗಿಗೆ ಸಮನಾಗಿರತಕ್ಕದು :

ಪರಂತು, ಯಾವ ನ್ಯಾಸಗಳ ಅಥವಾ ಆಡಳಿತ ಪರಿಷತ್ತುಗಳ ಅಧೀನದಲ್ಲಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟವೆಯೋ ಅವು ಅಂಥ ಆ ಸಂಸ್ಥೆಯನ್ನು ನಡೆಸಲು ವ್ಯವಸ್ಥೆಯನ್ನು ಮಾಡಿದ್ದರೆ ಅಂಥ ಯಾವುದೇ ಹಣವನ್ನು ಸಂದಾಯ ಮಾಡತಕ್ಕಲ್ಲ.

ವಿವರಣೆ - ಈ ಉಪಪ್ರಕರಣದಲ್ಲಿ "ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ" ಎಂದರೆ ಯಾವುದೇ ವರ್ಷದ ಜುಲೈ ಮೊದಲೇ ದಿನಾಂಕದಿಂದ ಪ್ರಾರಂಭವಾಗಿ ಆ ವರ್ಷದ ನಂತರದ ವರ್ಷದ ಜೂನ್ 30ಕ್ಕೆ ಮುಗಿಯುವ ವರ್ಷ.

(9) (8)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಮೊಬಲಗನ್ನು ಅಧಿನಿಯಮದ ಮೇರೆಗಿನ ನಿಯಮಗಳಿಗೆ ಒಳಪಟ್ಟು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಆಸಕ್ತನಾಗಿರುವ ವ್ಯಕ್ತಿಗೆ ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ಸಮಯದೊಳಗೆ ಸಂದಾಯ ಮಾಡಬಹುದು.

[67 ಎ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಆಡಳಿತವನ್ನು ಬಿಟ್ಟುಕೊಡುವುದು - (1) 67ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯು ಮುಕ್ತಾಯವಾದ ತರುವಾಯ, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವು ಯಾವುದೇ ನ್ಯಾಯಾಲಯದ ಆದೇಶ, ಯಾವುದಾದರೂ ಇದ್ದರೆ ಅದಕ್ಕೆ ಅನುಸಾರವಾಗಿ ನಿಹಿತವಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಯಾವ ಆದೇಶವೂ ಇಲ್ಲದಿದ್ದರೆ, ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿನಲ್ಲಿ ಅಥವಾ ಆಡಳಿತ ಸಮಿತಿಯಲ್ಲಿ (ಯಾವುದೇ ಹೆಸರಿನಿಂದ ಕರೆಯಲಾಗುವ) ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಅದಕ್ಕೆ ಹಕ್ಕು ಹೊಂದಿರುವ ಅಂಥ ಇತರ ನಿಕಾಯ ಅಥವಾ ವ್ಯಕ್ತಿಯಲ್ಲಿ ನಿಹಿತವಾಗಿರತಕ್ಕದ್ದು.

(2) 67ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಅವಧಿಯು ಮುಕ್ತಾಯವಾಗುವುದಕ್ಕೆ ಮುಂಚೆ ಯಾವುದೇ ಕಾಲದಲ್ಲಿ, ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು ನಿಹಿತಗೊಳಿಸಿದ ಉದ್ದೇಶವು ಈಡೇರಿದೆಯೆಂದು ಅಥವಾ ಯಾವುದೇ ಇತರ ಕಾರಣಕ್ಕಾಗಿ ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವು ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾಗಿರುವುದು ಅಗತ್ಯವಿಲ್ಲವೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಕಂಡುಬಂದರೆ, ಅದು, ರಾಜಪತ್ರದಲ್ಲಿ ಒಂದು ಆದೇಶ ಹೊರಡಿಸಿ, ಆ ಆದೇಶದಲ್ಲಿನ

ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಅಂಥ ದಿನಾಂಕದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು ಬಿಟ್ಟುಕೊಡಬಹುದು.

(3) (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಮೇರೆಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ದಿನಾಂಕದಂದು ಮತ್ತು ಆ ದಿನಾಂಕದಿಂದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವು ಯಾವುದೇ ನ್ಯಾಯಾಲಯದ ಆದೇಶ, ಯಾವುದಾದರೂ ಇದ್ದರೆ ಅದಕ್ಕೆ ಅನುಸಾರವಾಗಿ ವರ್ಗಾಯಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಯಾವ ಆದೇಶವೂ ಇಲ್ಲದಿದ್ದರೆ, ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ಅಥವಾ ಆಡಳಿತ ಸಮಿತಿಗೆ (ಯಾವುದೇ ಹೆಸರಿನಿಂದ ಕರೆಯಲಾಗುವ) ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ, ಅದಕ್ಕೆ ಹಕ್ಕುಹೊಂದಿರುವ ಅಂಥ ಇತರ ನಿಕಾಯಕ್ಕೆ ಅಥವಾ ವ್ಯಕ್ತಿಗೆ ವರ್ಗಾಯಿಸತಕ್ಕದ್ದು.]

68. ಉದ್ಯೋಗದ ಕರಾರನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸುವ ಅಧಿಕಾರ - ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಮುಂಚೆ ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಆಡಳಿತ ಪರಿಷತ್ತು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳೊಂದಿಗೆ ಮಾಡಿಕೊಂಡ ಉದ್ಯೋಗದ ಕರಾರು ಅನುಚಿತ ದುರ್ಭರವಾದ ಕರಾರೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ 67ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೇಮಕ ಮಾಡಲಾದ ವಿಶೇಷಾಧಿಕಾರಿಯು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ವಿಶೇಷಾಧಿಕಾರಿಯು ನೌಕರನಿಗೆ ಒಂದು ಲಿಖಿತ ನೋಟೀಸನ್ನು ಕೊಟ್ಟು ಅಥವಾ ಅದಕ್ಕೆ ಬದಲಾಗಿ ಒಂದು ತಿಂಗಳ ಸಂಬಳ ಅಥವಾ ಮಜೂರಿ ಕೊಟ್ಟು ಉದ್ಯೋಗದ ಕರಾರನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಬಹುದು.

69. ದುರ್ಭಾವನೆಯಿಂದ ಮಾಡಿಕೊಂಡ ಕರಾರು ಇತ್ಯಾದಿಗಳನ್ನು ರದ್ದುಗೊಳಿಸಬಹುದು ಅಥವಾ ಬದಲಾಯಿಸಬಹುದು - (1) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಲಾದ ಸೇವೆ, ಮಾರಾಟ ಅಥವಾ ಸರಬರಾಜು ಇವುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಸಂಬಂಧದಲ್ಲಿ ಆಡಳಿತ ಪರಿಷತ್ತು ಮತ್ತು ಇತರ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯ ನಡುವೆ, ಸದರಿ ದಿನಾಂಕದ ನಿಕಟಪೂರ್ವದ ಎರಡು ವರ್ಷಗಳ ಅವಧಿಯ ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಮಾಡಿಕೊಳ್ಳಲಾದ ಮತ್ತು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ವೊದಲು ಜಾರಿಯಲ್ಲಿದ್ದ ಯಾವುದೇ ಕರಾರನ್ನು ಅಥವಾ ಒಪ್ಪಂದವನ್ನು ದುರ್ಭಾವನೆಯಿಂದ ಮಾಡಿಕೊಳ್ಳಲಾಗಿದೆಯೆಂದು ಅಥವಾ ಅದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಹಿತಾಸಕ್ತಿಗೆ ಪ್ರತಿಕೂಲವೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ತಾನು ಸೂಕ್ತವೆಂದು ಯೋಚಿಸಬಹುದಾದಂಥ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಿದ ತರುವಾಯ ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಅದು ಸದರಿ ದಿನಾಂಕದಿಂದ ನೂರ ಎಂಭತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಅಂಥ ಕರಾರು ಅಥವಾ ಒಪ್ಪಂದವನ್ನು ರದ್ದುಗೊಳಿಸಿ ಅಥವಾ ಬದಲಾಯಿಸಿ (ಬೇಷರಾತ್ನಾಗಿ ಅಥವಾ ವಿಧಿಸುವುದು ಸೂಕ್ತವೆಂದು ಯೋಚಿಸಬಹುದಾದ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು) ಒಂದು ಆದೇಶವನ್ನು ಹೊರಡಿಸಬಹುದು ಮತ್ತು ಆ ತರುವಾಯ ಆ ಕರಾರು ಅಥವಾ ಒಪ್ಪಂದವು ಆ ಆದೇಶಕ್ಕೆ ಅನುಸಾರವಾಗಿ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದು:

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಾಡಲಾದ ಆದೇಶದಿಂದ ಬಾಧಿತನಾದ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಆದೇಶ ತಲುಪಿದ ದಿನಾಂಕದಿಂದ ಮೂವತ್ತು ದಿನಗಳೊಳಗೆ ಯಾವ ನ್ಯಾಯಾಲಯದ ಅಧಿಕಾರದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ಇರುವುದೋ ಆ ನ್ಯಾಯಾಲಯದ ಸ್ಥಳೀಯ ಪರಿಮಿತಿಗಳೊಳಗೆ ಮೂಲ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನುಳ್ಳ ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಅಂಥ ಆದೇಶವನ್ನು ಮಾರ್ಪಾಟುಗೊಳಿಸಲು ಅಥವಾ ರದ್ದುಗೊಳಿಸಲು ಮನವಿ ಮಾಡಿಕೊಳ್ಳಬಹುದು ಮತ್ತು ಆ ತರುವಾಯ ಅಂಥ ನ್ಯಾಯಾಲಯವು

1. 1998ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 8ರ (ಪ್ರ. 4) ಮೂಲಕ 11-4-1998ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಸೇರಿಸಲಾಗಿದೆ. ಕರ್ನಾಟಕ ವಿಶೇಷ ರಾಜ್ಯಪತ್ರ ದಿನಾಂಕ 11-4-1998.

ಆ ಆದೇಶವನ್ನು ಸ್ಥಿರೀಕರಿಸಬಹುದು, ಮಾರ್ಪಾಟುಗೊಳಿಸಬಹುದು ಅಥವಾ ವಿಪರ್ಯಯ ಗೊಳಿಸಬಹುದು.

70. ಸ್ವಇಚ್ಛಾ ನ್ಯಾಸಗಳ ರಚನೆಯನ್ನು ಅನುರ್ಜಿತಗೊಳಿಸುವುದು - ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಮೂಲಕ ಅಥವಾ ಅದರ ಪರವಾಗಿ (ಸಾಮಾನ್ಯ ವ್ಯವಹಾರ ಕ್ರಮದಲ್ಲಿ ಮಾಡಿದ ಅಥವಾ ಮೌಲ್ಯವುಳ್ಳ ಪ್ರತಿಫಲಕ್ಕಾಗಿ ಮತ್ತು ಸದ್ವ್ಯವಹಾರದಿಂದ ಖರೀದಿದಾರನ ಪರವಾಗಿ ಮಾಡಿದ ವರ್ಗಾವಣೆ ಅಥವಾ ಒಪ್ಪಿಸುವಿಕೆಯಲ್ಲದ) ಚರ ಅಥವಾ ಸ್ಥಿರ ಸ್ವತ್ತಿನ ಯಾವುದೇ ವರ್ಗಾವಣೆಯನ್ನು ಅಥವಾ ಒಪ್ಪಿಸುವಿಕೆಯನ್ನು ಸದರಿ ದಿನಾಂಕದ ನಿಕಟ ಪೂರ್ವದ ಒಂದು ವರ್ಷದ ಅವಧಿಯೊಳಗೆ ಮಾಡಿದ್ದರೆ, ಅದು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ವಿಶೇಷ ಅಧಿಕಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅನುರ್ಜಿತವಾಗತಕ್ಕದು.

71. ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಅಧಿಗ್ರಹಣ: - (1) ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗೆ ನೀಡಿದ ಮನ್ನಣೆಯನ್ನು ಅಥವಾ ಅನುಮತಿಯನ್ನು 39ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಥವಾ ಅನ್ಯಾಥಾ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹಿಂತೆಗೆದುಕೊಂಡಿರುವಲ್ಲಿ ಅಥವಾ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಅದರ ಶೈಕ್ಷಣಿಕ ವರ್ಷದ ಕೊನೆಯ ಕೆಲಸದ ದಿನಾಂಕಕ್ಕೆ ಮುಂಚೆ ಮುಚ್ಚಿರುವಲ್ಲಿ ಮತ್ತು ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಮನ್ನಣೆಯನ್ನು ಅಥವಾ ಅನುಮತಿಯನ್ನು ಹಿಂತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಮುಂಚೆ ಅಥವಾ ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಅಥವಾ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ಇತರ ಸಂಸ್ಥೆಯನ್ನು ಅಂದರೆ, ವಿದ್ಯಾರ್ಥಿಗಳಿಗಾಗಿ ವಿದ್ಯಾರ್ಥಿನಿಲಯ, ನೌಕರರ ವಾಸಕ್ಕಾಗಿರುವ ವಾಸಗೃಹಗಳು, ಆಟದ ಮೈದಾನ ಇಂಥವುಗಳಿಗಾಗಿರುವ ಇತರ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚುವುದಕ್ಕೆ ಮುಂಚೆ, ಅದರ ಯಾವುದೇ ಚರ ಅಥವಾ ಸ್ಥಿರ ಸ್ವತ್ತನ್ನು ಅಧಿಗ್ರಹಣ ಮಾಡುವುದು ಅವಶ್ಯಕವೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಪರ್ಯಾಲೋಚಿಸಿದರೆ, ಆಗ ತಕ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಇತರ ಕಾನೂನಿನಲ್ಲಿ ತದ್ವಿರುದ್ಧವಾದುದು ಏನೇ ಇದ್ದರೂ, ರಾಜ್ಯ ಸರ್ಕಾರವು, ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಮನ್ನಣೆಯನ್ನು ಅಥವಾ ಅನುಮತಿಯನ್ನು ಹಿಂತೆಗೆದುಕೊಂಡ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚಿದ ದಿನಾಂಕದಿಂದ ಮೂರು ತಿಂಗಳೊಳಗೆ ಅಂಥ ಸ್ವತ್ತನ್ನು ಅಧಿಗ್ರಹಣ ಮಾಡಬಹುದು ಮತ್ತು ಅಧಿಗ್ರಹಣ ಸಂಬಂಧದಲ್ಲಿ ಅದಕ್ಕೆ ಅವಶ್ಯವೆಂದು ಅಥವಾ ವಿಹಿತವೆಂದು ಕಂಡುಬರುವಂಥ ಹೆಚ್ಚಿನ ಆದೇಶಗಳನ್ನು ಮಾಡಬಹುದು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಅಧಿಗ್ರಹಣ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಮುಂಚೆ ರಾಜ್ಯ ಸರ್ಕಾರವು -

(ಎ) ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ಅಥವಾ ಆ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನತೆಯನ್ನು ಹೊಂದಿರುವ ಯಾವನೇ ಇತರ ವ್ಯಕ್ತಿಗೆ ಲಿಖಿತದಲ್ಲಿ ನೋಟೀಸು ಕೊಡುವ ಮೂಲಕ ಆ ಸ್ವತ್ತನ್ನು ಏಕೆ ಅಧಿಗ್ರಹಣ ಮಾಡಿಕೊಳ್ಳಬಾರದೆಂಬುದಕ್ಕೆ ಅಂಥ ನೋಟೀಸು ಜಾರಿಯಾದ ದಿನಾಂಕದಿಂದ ಹದಿನೈದು ದಿನಗಳೊಳಗೆ ಕಾರಣ ತೋರಿಸುವಂತೆ ಅದನ್ನು ಅಥವಾ ಅವನನ್ನು ಕೇಳತಕ್ಕದು ಮತ್ತು ಆಡಳಿತ ಪರಿಷತ್ತಿನ ಅಥವಾ ಇತರ ವ್ಯಕ್ತಿಯ ಆಕ್ಷೇಪಣೆಗಳೇನಾದರೂ ಇದ್ದರೆ ಅವುಗಳನ್ನು ಪರ್ಯಾಲೋಚಿಸತಕ್ಕದು ; ಮತ್ತು

(ಬಿ) ರಾಜ್ಯ ಸರ್ಕಾರವು ಆದೇಶವನ್ನು ಹೊರಡಿಸಿ, ಆಡಳಿತ ಪರಿಷತ್ತು ಅಥವಾ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು ಅನುಮತಿ ಇಲ್ಲದೆ, ಆ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂತೆ ಮೂರು ತಿಂಗಳುಗಳಿಗೆ ಮೀರದ ಅವಧಿಯು ಮುಗಿಯುವವರೆಗೆ ಆ ಸ್ವತ್ತನ್ನು ವಿಲೆ ಮಾಡತಕ್ಕದಲ್ಲ. ಅದರ ಸ್ವರೂಪವನ್ನು ವ್ಯತ್ಯಸ್ತಗೊಳಿಸತಕ್ಕದಲ್ಲ. ಅದನ್ನು ಗುತ್ತಿಗೆಗೆ ಕೊಡತಕ್ಕದಲ್ಲ ಅಥವಾ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ

ಆ ಬಗ್ಗೆ ವ್ಯವಹರಿಸತಕ್ಕದ್ದಲ್ಲವೆಂದು ನಿರ್ದೇಶಿಸಬಹುದು.

(3) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಅಧಿಗ್ರಹಣ ಮಾಡಿಕೊಂಡಿರುವಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು -

(ಎ) ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಂಥ ಸ್ವತ್ತನ್ನು ಉಪಯೋಗಿಸಬಹುದು ಅಥವಾ ಆ ಬಗ್ಗೆ ವ್ಯವಹರಿಸಬಹುದು ; ಅಥವಾ

(ಬಿ) ರಾಜ್ಯ ಸರ್ಕಾರವು ಆದೇಶವನ್ನು ಹೊರಡಿಸಿ, ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಆ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಬಾಡಿಗೆ ಮತ್ತು ಇತರ ಮೊತ್ತಗಳನ್ನು ಸಂದಾಯ ಮಾಡುವುದಕ್ಕೆ ಮತ್ತು ಅದರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸುವುದಕ್ಕೆ ಒಳಪಟ್ಟು ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಥವಾ ನಿಕಾಯವು ಅಥವಾ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು ಯಾವುದೇ ಅಂಥ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಂಥ ಸ್ವತ್ತನ್ನು ಉಪಯೋಗಿಸಲು ಅಥವಾ ವ್ಯವಹರಿಸಲು ಅನುಮತಿಸಬಹುದು.

72. ಸ್ವತ್ತನ್ನು ಕ್ಷಿಪ್ರವಾಗಿ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅಧಿಕಾರ: - (1) 71ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಹೊರಡಿಸಿದ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಂಡಿರುವ ವ್ಯಕ್ತಿಯಿಂದ, ಈ ಸಂಬಂಧದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಕೃತಗೊಳಿಸಿದ ಅಧಿಕಾರಿಯು ಆ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನತೆಯನ್ನು ಕ್ಷಿಪ್ರವಾಗಿ ತಪ್ಪಿಸತಕ್ಕದ್ದು ಮತ್ತು ಕಟ್ಟಡದ ಸಂಬಂಧದಲ್ಲಿ, ಈ ಕಟ್ಟಡವನ್ನು ಪ್ರವೇಶಿಸಲು ಅಂಥ ಅಧಿಕಾರಿಗೆ ಮುಕ್ತ ಅವಕಾಶವಿರದಿದ್ದರೆ, ದೇಶದ ಸಂಪ್ರದಾಯಗಳನುಸಾರವಾಗಿ ಸಾರ್ವಜನಿಕವಾಗಿ ಕಾಣಿಸಿಕೊಳ್ಳದ ಮಹಿಳೆಯರಿಗೆ ಹೊರಕ್ಕೆ ಹೋಗುವಂತೆ ಯುಕ್ತ ಎಚ್ಚರಿಕೆ ಕೊಟ್ಟು ಸೌಲಭ್ಯವನ್ನು ಕಲ್ಪಿಸಿಕೊಟ್ಟ ತರುವಾಯ ಯಾವುದೇ ಬೀಗವನ್ನು ಅಥವಾ ಚಿಲಕವನ್ನು ತೆಗೆಯಬಹುದು ಅಥವಾ ತೆರೆಯಬಹುದು ಅಥವಾ ಯಾವುದೇ ಬಾಗಿಲನ್ನು ಮುರಿದು ತೆಗೆಯಬಹುದು ಅಥವಾ ಹಾಗೆ ಅವನ ಸ್ವಾಧೀನತೆಯನ್ನು ತಪ್ಪಿಸುವುದಕ್ಕೆ ಅವಶ್ಯಕವಾದ ಯಾವುದೇ ಇತರ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳಬಹುದು.

(2) ಯಾವನೇ ಅಂಥ ಅಧಿಕಾರಿಗೆ, ಅಂಥ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸುವಾಗ ಅಥವಾ ಅಂಥ ಕರ್ತವ್ಯವನ್ನು ನಿರ್ವಹಿಸುವಾಗ, ಅಡ್ಡಪಡಿಸಿದರೆ ಆ ಕ್ಷೇತ್ರದ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಹೊಂದಿರುವ ನ್ಯಾಯಾಧೀಶರು, ಅಂಥ ಅಧಿಕಾರಿಯು ಮನವಿಯನ್ನು ಬರೆದುಕೊಟ್ಟ ಮೇಲೆ, ಅಂಥ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಲು ಅಥವಾ ಅಂಥ ಕರ್ತವ್ಯವನ್ನು ನಿರ್ವಹಿಸಲು ಆ ಅಧಿಕಾರಿಗೆ ಸಾಧ್ಯವಾಗುವಂತೆ ಅವಶ್ಯಕವಾದ ನೆರವು ನೀಡಲು ಸೆಬ್ ಇನ್ ಸೆಕ್ಟರ್ ದರ್ಜೆಗೆ ಕಡೆಮಿಯಿಲ್ಲದ ದರ್ಜೆಯ ಯಾವನೇ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗೆ ನಿರ್ದೇಶಿಸಬಹುದು.

73. ಅಧಿಗ್ರಹಣದಿಂದ ಬಿಡುಗಡೆ ಮತ್ತು ಹೊಣೆಗಾರಿಕೆಯಿಂದ ರಾಜ್ಯ ಸರ್ಕಾರದ ವಿಮುಕ್ತಿ (1) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ ಅಧಿಗ್ರಹಣದ ಮೂಲಕ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಬಿಡುಗಡೆ ಮಾಡಬಹುದು ಮತ್ತು ಅಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಹಾಗೆ ಬಿಡುಗಡೆ ಮಾಡಲಾದ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನತೆಯನ್ನು ಯಾರ ಸ್ವಾಧೀನತೆಯಿಂದ ಸ್ವತ್ತನ್ನು ವಹಿಸಿಕೊಳ್ಳಲಾಗುತ್ತೋ ಅಂಥ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ಅಥವಾ ಯಾವನೇ ವ್ಯಕ್ತಿಗೆ, ಅಥವಾ ಅಂಥ ಯಾವುದೇ ಆಡಳಿತ ಪರಿಷತ್ತು ಅಥವಾ ವ್ಯಕ್ತಿಯು ಇರದಿದ್ದರೆ ಯಾವ ವ್ಯಕ್ತಿಯು ಅಂಥ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನತೆಯನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳವನೆಂದು ರಾಜ್ಯ

ಸರ್ಕಾರವು ಭಾವಿಸುವುದೋ ಆ ವ್ಯಕ್ತಿಗೆ ವಹಿಸಿಕೊಡತಕ್ಕದು ಮತ್ತು ಆ ರೀತಿ ಸ್ವಾಧೀನತೆಯನ್ನು ವಹಿಸಿಕೊಟ್ಟ ಮೇಲೆ, ಯಾವ ವ್ಯಕ್ತಿಗೆ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನತೆಯನ್ನು ವಹಿಸಿಕೊಡಲಾಗಿದೆಯೋ ಆ ವ್ಯಕ್ತಿಯ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮಾನುಸಾರವಾಗಿ ಯಾವನೇ ಇತರ ವ್ಯಕ್ತಿಯು ಆ ಸ್ವತ್ತಿನ ಸಂಬಂಧದಲ್ಲಿ ಜಾರಿಗೊಳಿಸಲು ಹಕ್ಕುಳ್ಳಂಥ ಎಲ್ಲ ಹೊಣೆಗಾರಿಕೆಗಳಿಂದ ರಾಜ್ಯ ಸರ್ಕಾರವು ಸಂಪೂರ್ಣ ವಿಮುಕ್ತವಾಗಿರತಕ್ಕದು.

(2) ಯಾವುದೇ ಅಂಥ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನತೆಯನ್ನು ಯಾವ ವ್ಯಕ್ತಿಗೆ ವಹಿಸಿಕೊಡಬೇಕಾಗಿದೆಯೋ ಆ ವ್ಯಕ್ತಿಸಿಗಿದ್ದರೆ, ಅಥವಾ ಅವನ ಪರವಾಗಿ ಅಂಥ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನತೆ ಪಡೆಯಲು ಅಧಿಕೃತಗೊಂಡ ಅವನ ಏಜೆಂಟನು ಅಥವಾ ಇತರ ವ್ಯಕ್ತಿ ಇರದಿದ್ದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು, ಸ್ವತ್ತನ್ನು ಅಧಿಗ್ರಹಣದಿಂದ ಬಿಡುಗಡೆ ಮಾಡಲಾಗದೆ ಎಂಬ ಘೋಷಣೆಯನ್ನೊಳಗೊಂಡ ನೋಟೀಸು ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟವಾಗುವಂತೆ ಮಾಡತಕ್ಕದು ಮತ್ತು ಯಾವುದೇ ಸ್ಥಿರ ಸ್ವತ್ತಿನ ಸಂದರ್ಭದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಆ ನೋಟೀಸಿನ ಒಂದು ಪ್ರತಿಯನ್ನು ಅಂಥ ಸ್ವತ್ತಿನ ಎದ್ದು ಕಾಣುವ ಭಾಗದಲ್ಲಿ ಅಂಟಿಸುವ ವ್ಯವಸ್ಥೆಯನ್ನು ಮಾಡತಕ್ಕದು.

(3) (2)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ನೋಟೀಸನ್ನು ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಿರುವಾಗ, ಅಂಥ ನೋಟೀಸಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಸ್ವತ್ತು ಅಂಥ ಪ್ರಕಟಣೆಯ ದಿನಾಂಕದಂದು ಮತ್ತು ದಿನಾಂಕದಿಂದ ಅಧಿಗ್ರಹಣಕ್ಕೆ ಒಳಪಟ್ಟಿರುವುದು ನಿಂತು ಹೋಗತಕ್ಕದು ಮತ್ತು ಅದರ ಸ್ವಾಧೀನತೆಗೆ ಹಕ್ಕುದಾರನಾಗಿರುವ ವ್ಯಕ್ತಿಗೆ ಅದನ್ನು ವಹಿಸಿಕೊಡಲಾಗಿದೆ ಎಂದು ಭಾವಿಸತಕ್ಕದು ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರವು ಸದರಿ ದಿನಾಂಕದ ತರುವಾಯದ ಯಾವುದೇ ಅವಧಿಗೆ ಸಂಬಂಧಿಸಿ ಅಂಥ ಸ್ವತ್ತಿನ ಸಂಬಂಧದಲ್ಲಿ ಯಾವುದೇ ಮೊಬಲಗು, ಬಾಡಿಗೆ ಅಥವಾ ಇತರ ಕ್ಷೇಮಿಗೆ ಹೊಣೆಯಾಗತಕ್ಕದಲ್ಲ.

74. ಸ್ವತ್ತಿನ ಅರ್ಜನೆ - (1) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, 67ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ, ಯಾವುದೇ ಸ್ವತ್ತು ನಿಹಿತವಾಗಿರುವಲ್ಲಿ ಅಥವಾ 71ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ, ಅಧಿಗ್ರಹಣಕ್ಕೆ ಒಳಪಟ್ಟಿರುವಲ್ಲಿ, ರಾಜ್ಯ ಸರ್ಕಾರವು, ಆ ಸ್ವತ್ತನ್ನು ಶಿಕ್ಷಣಕ್ಕೆ ಸಂಬಂಧಪಡುವ ಯಾವುದೇ ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅರ್ಜಿಸುವುದು ಅಗತ್ಯವೆಂದು ಪರಿಗಣಿಸಿದರೆ, ಅದು ರಾಜ್ಯಪತ್ರದಲ್ಲಿ, ಆ ಸ್ವತ್ತನ್ನು ಈ ಪ್ರಕರಣವನ್ನು ಅನುಸರಿಸಿ ಅರ್ಜನೆ ಮಾಡಲು ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿರ್ದರಿಸಿದೆ ಎಂಬ ಬಗ್ಗೆ ನೋಟೀಸನ್ನು ಪ್ರಕಟಿಸುವ ಮೂಲಕ ಅಂಥ ಸ್ವತ್ತನ್ನು ಅಂಥ ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶಕ್ಕಾಗಿ [ಆದರೆ, 67ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಅವಧಿಯು ಮುಕ್ತಾಯವಾಗುವುದಕ್ಕೆ ಮುಂಚೆ] ಅರ್ಜಿಸಬಹುದು.

ಪಂರತು, ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಂಥ ನೋಟೀಸನ್ನು ನೀಡುವುದಕ್ಕಿಂತ ಮೊದಲು ಆಡಳಿತ ಪರಿಷತ್ತನ್ನು ಅಥವಾ ಅಂಥ ಸ್ವತ್ತಿನಲ್ಲಿ ಹಿತಾಸಕ್ತಿಹೊಂದಿರುವವನೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಭಿಪ್ರಾಯಪಡುವ ಯಾವನೇ ಇತರ ವ್ಯಕ್ತಿಯನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ಆ ಸ್ವತ್ತನ್ನು ಏತಕ್ಕೆ ಅರ್ಜಿಸಿಕೊಡದು ಎನ್ನುವುದಕ್ಕೆ ಕಾರಣಗಳನ್ನು ತೋರಿಸುವಂತೆ ಕೇಳತಕ್ಕದು ಮತ್ತು ಆಡಳಿತ ಪರಿಷತ್ತಿನವರಾಗಲಿ ಅಥವಾ ಆ ಸ್ವತ್ತಿನಲ್ಲಿ ಹಿತಾಸಕ್ತಿಯುಳ್ಳ ಇತರ ವ್ಯಕ್ತಿಯಾಗಲಿ ಸಲ್ಲಿಸಿದ ಆಕ್ಷೇಪಣೆಗಳು ಯಾವುದಾದರೂ ಇದ್ದಲ್ಲಿ ಅವುಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ ಅನಂತರ ರಾಜ್ಯ ಸರ್ಕಾರವು ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸುವ ಆದೇಶವನ್ನು ಹೊರಡಿಸಬಹುದು.

(2) ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮೇಲೆ ತಿಳಿಸಿದ ನೋಟೀಸು ಪ್ರಕಟವಾದಾಗ, ಆ ಅಧಿಗ್ರಹಣ ಸ್ವತ್ತು ನೋಟೀಸು ಹಾಗೆ ಪ್ರಕಟವಾದ ದಿನಾಂಕದಂದು ಮತ್ತು ಅಂದಿನಿಂದ ಅಧಿಗ್ರಹಣಕ್ಕೆ ಒಳಪಟ್ಟಿರುವುದು

ನಿಂತುಹೋಗತಕ್ಕುದು ಮತ್ತು ಎಲ್ಲಾ ಉಪಾಧಿಗಳಿಂದ ಮುಕ್ತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ಸಂಪೂರ್ಣವಾಗಿ ನಿಹಿತವಾಗತಕ್ಕುದು.

75. ಅಧಿಗ್ರಹಣ ಮಾಡಿದ ಅಥವಾ ಅರ್ಜಿಸಿದ ಆ ಸ್ವತ್ತಿನ ಮೊಬಲಗನ್ನು ನಿರ್ಧರಿಸುವ ತತ್ವಗಳು ಮತ್ತು ವಿಧಾನಗಳು - (1) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಅಧಿಗ್ರಹಣ ಮಾಡಿರುವಲ್ಲಿ ಅಥವಾ ಅರ್ಜಿಸಿದಲ್ಲಿ ಅದಕ್ಕಾಗಿ ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಮೊಬಲಗನ್ನು ಈ ಕೆಳಗೆ ವಿವರಿಸಿದ ತತ್ವಗಳಿಗನುಸಾರವಾಗಿ ಮತ್ತು ಅಂಥ ರೀತಿಯಲ್ಲಿ ನಿರ್ಧರಿಸತಕ್ಕುದು ಮತ್ತು ಸಂದಾಯ ಮಾಡತಕ್ಕುದು, ಎಂದರೆ :-

(ಎ) ಒಪ್ಪಂದದ ಮೂಲಕ ಮೊಬಲಗು ಇತ್ಯರ್ಥವಾಗಿದ್ದರೆ ಮತ್ತು ನಿಗದಿಯಾಗಿದ್ದರೆ ತದನುಸಾರವಾಗಿ ಅದನ್ನು ಸಂದಾಯ ಮಾಡತಕ್ಕುದು ;

(ಬಿ) ಅಂಥ ಒಪ್ಪಂದವಿಲ್ಲದಿದ್ದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು, ಮೊಬಲಗನ್ನು ನಿರ್ಧರಿಸುವುದಕ್ಕಾಗಿ ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶರ ದರ್ಜೆಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ದರ್ಜೆಯ ನ್ಯಾಯಿಕ ಪದವನ್ನು ಹೊಂದಿರುವ ಅಥವಾ ಹೊಂದಿದ್ದ ವ್ಯಕ್ತಿಯನ್ನು ಮಧ್ಯಸ್ಥಗಾರನನ್ನಾಗಿ ನೇಮಿಸತಕ್ಕುದು ;

(ಸಿ) ಮಧ್ಯಸ್ಥಗಾರನ ಮುಂದೆ ವ್ಯವಹರಣೆಗಳು ಪ್ರಾರಂಭವಾಗುವುದಕ್ಕೆ ಮೊದಲು ರಾಜ್ಯ ಸರ್ಕಾರ ಮತ್ತು ಮೊಬಲಗು ಯಾರಿಗೆ ಸಂದಾಯವಾಗಬೇಕೋ ಆ ವ್ಯಕ್ತಿಯು, ತಮ್ಮ ಪ್ರಕಾರ ನ್ಯಾಯವಾದ ಮೊಬಲಗು ಎಷ್ಟೆಂಬುದನ್ನು ಹೇಳಬೇಕು ;

(ಡಿ) ಮಧ್ಯಸ್ಥಗಾರನು ವಿಚಾರಣೆ ನಡೆಸಿದ ತರುವಾಯ ತನಗೆ ನ್ಯಾಯವೆಂದು ಕಂಡುಬಂದಂಥ ಮೊಬಲಗನ್ನು ನಿರ್ಧರಿಸತಕ್ಕುದು ಮತ್ತು ಅಂಥ ಮೊಬಲಗನ್ನು ಯಾವ ವ್ಯಕ್ತಿಗೆ ಅಥವಾ ವ್ಯಕ್ತಿಗಳಿಗೆ ಸಂದಾಯ ಮಾಡತಕ್ಕುದೆಂದು ನಿರ್ದಿಷ್ಟಪಡಿಸತಕ್ಕುದು ಮತ್ತು ಆ ಮೊಬಲಗನ್ನು ನಿರ್ಧರಿಸುವ ತೀರ್ಪು ನೀಡುವಾಗ ಪ್ರತಿಯೊಂದು ಪ್ರಕರಣದ ಸನ್ನಿವೇಶಗಳಿಗೂ ಮತ್ತು ಅದಕ್ಕೆ ಅನ್ವಯವಾಗುವಷ್ಟರ ಮಟ್ಟಿಗೆ (2), (3), (4) ಮತ್ತು (5) ಈ ಉಪಪ್ರಕರಣಗಳ ಉಪಬಂದಗಳಿಗೂ ಗಮನ ನೀಡತಕ್ಕುದು ;

(ಇ) ಮೊಬಲಗಿಗೆ ಹಕ್ಕುದಾರರಾದ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳು ಯಾರು ಎನ್ನುವ ಬಗ್ಗೆ ವಿವಾದವಿದ್ದರೆ ಮಧ್ಯಸ್ಥಗಾರನು ಅಂಥ ವಿವಾದಗಳನ್ನು ಇತ್ಯರ್ಥಪಡಿಸತಕ್ಕುದು ಮತ್ತು ಆ ಮೊಬಲಗಿಗೆ ಒಬ್ಬರಿಗಿಂತ ಹೆಚ್ಚು ವ್ಯಕ್ತಿಗಳು ಹಕ್ಕುದಾರರೆಂದು ಕಂಡುಬಂದಲ್ಲಿ ಆ ಮೊಬಲಗನ್ನು ಅವರ ಹಕ್ಕುಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಅವರಲ್ಲಿ ಹಂಚತಕ್ಕುದು ; ಮತ್ತು

(ಎಫ್) ಮಧ್ಯಸ್ಥಿಕೆ ಅಧಿನಿಯಮ, 1940 (1940ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 10) ಇದರಲ್ಲಿರುವುದು ಯಾವುದೂ ಈ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಮಧ್ಯಸ್ಥಿಕೆಗಳಿಗೆ ಅನ್ವಯಿಸತಕ್ಕುದಲ್ಲ.

(2) ಯಾವುದೇ ಚರ ಅಥವಾ ಸ್ಥಿರ ಸ್ವತ್ತಿನ ಅಧಿಗ್ರಹಣ ಸಂಬಂಧದಲ್ಲಿ, ಆ ಅಧಿಗ್ರಹಣದ ಅವಧಿಯ ಬಗ್ಗೆ ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಮೊಬಲಗು, ಅವುಗಳನ್ನು ಅದೇ ಅವಧಿಗೆ ಗುತ್ತಿಗೆಗೆ ಪಡೆದಿದ್ದರೆ, ಸ್ಥಿರ ಸ್ವತ್ತಿನ

1. 1998ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 8ರ (ಪ್ರ. 4) ಮೂಲಕ 11-4-1998ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಸೇರಿಸಲಾಗಿದೆ.

ಸಂಬಂಧದಲ್ಲಿ ಅವರ ಉಪಯೋಗ ಮತ್ತು ಅಧಿಭೋಗಕ್ಕಾಗಿ ಅಥವಾ ಚರ ಸ್ವತ್ತಿನ ಸಂಬಂಧದಲ್ಲಿ ಅದರ ಉಪಯೋಗಕ್ಕಾಗಿ ಸಂದಾಯ ಮಾಡಬಹುದಾದ ಬಾಡಿಗೆಗೆ ಸಮನಾಗಿರತಕ್ಕದು.

(3) 74ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅರ್ಜನೆ ಮಾಡಿದ ಯಾವುದೇ ಸ್ಥಿರ ಸ್ವತ್ತಿನ ಬಗ್ಗೆ ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಮೊಬಲಗು ಕೆಳಕಂಡಂತೆ ಇರತಕ್ಕದು :-

(ಎ) ಅಧಿಗ್ರಹಣ ಮಾಡಿದ ಸ್ವತ್ತು, ಅಧಿಗ್ರಹಣದ ಸಮಯದಲ್ಲಿದ್ದ ಸ್ಥಿತಿಯಲ್ಲಿಯೇ ಉಳಿದಿದ್ದರೆ ಮತ್ತು ಅರ್ಜನೆಯ ದಿನದಂದು ಮಾರಾಟ ಮಾಡಿದಾಗ ಆ ಸ್ವತ್ತಿನ ಬಗ್ಗೆ ಮಾತ್ರ ಮಾರುಕಟ್ಟೆಯಲ್ಲಿ ಪಡೆಯಬಹುದಾದ ಬೆಲೆ; ಅಥವಾ

(ಬಿ) ಅಧಿಗ್ರಹಣ ಮಾಡಿದ ಸ್ವತ್ತು ಅದನ್ನು ಅಧಿಗ್ರಹಣ ಮಾಡಿದ ದಿನದಂದೇ ಮುಕ್ತಮಾರುಕಟ್ಟೆಯಲ್ಲಿ ಮಾರಿದ್ದರೆ ಪಡೆಯಬಹುದಾಗಿದ್ದ ಮೊತ್ತದ ಎರಡರಷ್ಟು

- ಇವುಗಳಲ್ಲಿ ಯಾವುದು ಕಡಿಮೆಯೋ ಆ ಮೊತ್ತವಾಗಿರತಕ್ಕದು.

(4) ಯಾವುದೇ ಚರ ಸ್ವತ್ತಿನ ಅರ್ಜನೆ ಬಗ್ಗೆ ಕೊಡಬೇಕಾದ ಮೊಬಲಗು, ಆ ಸ್ವತ್ತನ್ನು ಅರ್ಜನೆ ದಿನದಂದು ಮಾರಿದ್ದರೆ ಮುಕ್ತಮಾರುಕಟ್ಟೆಯಲ್ಲಿ ಅದರ ಬಗ್ಗೆ ಪಡೆಯಬಹುದಾಗಿದ್ದ ಬೆಲೆಯಾಗಿರತಕ್ಕದು.

(5) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಅಧಿಗ್ರಹಣ ಮಾಡಲಾದ ಅಥವಾ ಅರ್ಜಿಸಲಾದ ಸ್ವತ್ತನ್ನು ರಾಜ್ಯದ ನಿಧಿಗಳ ಅನುದಾನದಿಂದ ಅರ್ಜಿಸಲ್ಪಟ್ಟರೆ, ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಮೊಬಲಗನ್ನು ನಿರ್ಧರಿಸುವಾಗ ಆ ಅನುದಾನದ ಮೊಬಲಗನ್ನು ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಲೆಕ್ಕಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದು.

ವಿವರಣೆ :- ಈ ಉಪಪ್ರಕರಣದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ತನ್ನ ಎಲ್ಲಾ ಸ್ವತ್ತುಗಳನ್ನು ಇತರ ರೀತಿಯಿಂದ ಅರ್ಜಿಸಿದೆ ಎಂಬುದನ್ನು ಮಧ್ಯಸ್ಥಗಾರರಿಗೆ ತೃಪ್ತಿಕರವಾಗಿ ರುಜುವಾತುಪಡಿಸಿದ ಹೊರತು, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಅರ್ಜಿಸಿದೆ. ಆ ಎಲ್ಲ ಸ್ವತ್ತುಗಳನ್ನು ಈ ಅನುದಾನ, ವಂತಿಗೆ, ದಾನ ಅಥವಾ ಸಂಗ್ರಹಣೆ ಇವುಗಳ ನೆರವಿನಿಂದ ಅರ್ಜಿಸಿ ಕೈಕೊಂಡಿದೆ ಎಂದು ಭಾವಿಸತಕ್ಕದು.

76. ಅಧಿಗ್ರಹಣ ಮಾಡಿದ ಅಥವಾ ಅರ್ಜಿಸಿದ ಸ್ವತ್ತಿನ ಬಗ್ಗೆ ಹಣ ಸಂದಾಯ - ಮಧ್ಯಸ್ಥಗಾರನ ಈ ತೀರ್ಪಿನ ಮೇರೆಗೆ ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಮೊಬಲಗನ್ನು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ರಚಿಸಿದ ಯಾವುದೇ ನಿಯಮಗಳಿಗೆ ಒಳಪಟ್ಟು, ಹಿತಾಸಕ್ತಿಯುಳ್ಳ ವ್ಯಕ್ತಿಗೆ ಆ ಈ ತೀರ್ಪಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ಸಮಯದೊಳಗೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು ಸಂದಾಯ ಮಾಡತಕ್ಕದು.

77. ಹಣದ ವಿಷಯದಲ್ಲಿ 75ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಧ್ಯಸ್ಥಗಾರನು ನೀಡಿದ ತೀರ್ಪಿನ ಮೇಲೆ ಅಪೀಲು :- 75ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಧ್ಯಸ್ಥಗಾರನು ನೀಡಿದ ಈ ತೀರ್ಪಿನಿಂದ ಬಾಧಿತನಾದ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅದರ ದಿನಾಂಕದಿಂದ ಅರವತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಬಹುದು.

ಪರಂತು, ಸಕಾಲದಲ್ಲಿ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಲು ಅಪೀಲುದಾರನಿಗೆ ಸಾಕಷ್ಟು ಕಾರಣದಿಂದಾಗಿ ಅಡ್ಡಿಯುಂಟಾಗಿತ್ತೆಂದು ಉಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಮನವರಿಕೆಯಾದರೆ ಸದರಿ ಅರವತ್ತು ದಿನಗಳ ನಂತರವೂ

ಅದು ಆ ಅಪೀಲನ್ನು ಸ್ವೀಕರಿಸಬಹುದು.

78. ಮಧ್ಯಸ್ಥಗಾರನು ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದ ಕೆಲವು ಅಧಿಕಾರಗಳನ್ನು ಹೊಂದಿರುವುದು :- ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ ನೇಮಿಸಲ್ಪಟ್ಟ ಮಧ್ಯಸ್ಥಗಾರನು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಮಧ್ಯಸ್ಥಿಕೆಯ ವ್ಯವಹಾರಗಳನ್ನು ನಡೆಸುವಾಗ, ಈ ಕೆಳಗಿನ ವಿಷಯದ ಸಂಬಂಧದಲ್ಲಿ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯವು, ಸಿವಿಲ್ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1908ರ (1908ರ ಕೇಂದ್ರಾಧಿನಿಯಮ 5) ಮೇರೆಗೆ ದಾವೆಯ ಅಧಿವಿಚಾರಣೆ ನಡೆಸುವಾಗ ಹೊಂದಿರುವ ಎಲ್ಲಾ ಅಧಿಕಾರಗಳನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು, ಎಂದರೆ :-

(ಎ) ಯಾವ ವ್ಯಕ್ತಿಯನ್ನಾದರೂ ಸಮನು ಮಾಡುವುದು ಮತ್ತು ಅವನ ಹಾಜರಾತಿಯನ್ನು ಒತ್ತಾಯಿಸುವುದು ಮತ್ತು ಪ್ರಮಾಣ ವಚನ ಮಾಡಿಸಿ ಅವನನ್ನು ಪರೀಕ್ಷಿಸುವುದು ;

(ಬಿ) ಯಾವುದೇ ದಸ್ತಾವೇಜನ್ನು ಪತ್ತೆಹಚ್ಚಿ ಹಾಜರುಪಡಿಸುವಂತೆ ಅಗತ್ಯಪಡಿಸುವುದು ;

(ಸಿ) ಸಾಕ್ಷ್ಯವನ್ನು ಅಥವಾ ಅಫಿಡೆವಿಟ್‌ಗಳನ್ನು ಸ್ವೀಕರಿಸುವುದು ;

(ಡಿ) ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಿಂದ ಅಥವಾ ಕಚೇರಿಯಿಂದ ಯಾವುದೇ ಸರ್ಕಾರಿ ದಾಖಲೆಯನ್ನು ಒಪ್ಪಿಸುವಂತೆ ಕಡ್ಡಾಯವಾಗಿ ಕೋರುವುದು ;

(ಇ) ಸಾಕ್ಷಿಗಳ ಪರೀಕ್ಷೆಗಾಗಿ ಕಮೀಷನ್‌ಗಳನ್ನು ಹೊರಡಿಸುವುದು,

79. ಪ್ರವೇಶ ಮತ್ತು ಪರಿಶೀಲನೆ ಅಧಿಕಾರಗಳು ಹಾಗೂ ಮಾಹಿತಿ ತರಿಸಿಕೊಳ್ಳುವುದು - ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಅಧಿಗ್ರಹಣ ಮಾಡುವ ಮತ್ತು ಅರ್ಜಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಆದೇಶವನ್ನು ಹೊರಡಿಸಿ, -

(ಎ) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಅಧಿಗ್ರಹಣಕ್ಕೆ ಅಥವಾ ಅರ್ಜನೆಗೆ ಒಳಪಡತಕ್ಕದ್ದೆಂದು ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಸ್ವತ್ತನ್ನು ಪ್ರವೇಶ ಮಾಡಲು ಮತ್ತು ಪರಿಶೀಲಿಸಲು ಯಾವನೇ ಪ್ರಾಧಿಕಾರಿಗೆ ಅಧಿಕಾರವನ್ನು ನೀಡಬಹುದು.

(ಬಿ) ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರಬಹುದಾದ ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಹೊಂದಿರುವ ಮಾಹಿತಿಯನ್ನು ಅಂಥ ಪ್ರಾಧಿಕಾರಿಗೆ ಒದಗಿಸುವಂತೆ ಅವನನ್ನು ಅಗತ್ಯಪಡಿಸಬಹುದು.

80. ಶಿಕ್ಷಣ ಸಂಖ್ಯೆಯಲ್ಲಿ ಹಾಲಿ ಇರುವ ಸಿಬ್ಬಂದಿಯ ಬಗ್ಗೆ ಉಪಬಂಧಗಳು - ಯಾವುದೇ ಕರಾರಿನಲ್ಲಿ ಒಪ್ಪಂದದಲ್ಲಿ ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ತದ್ವಿರುದ್ಧವಾಗಿ ಏನೇ ಇದ್ದರೂ, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತವು ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾದ ದಿನಕ್ಕೆ ನಿಕಟ ಪೂರ್ವದಲ್ಲಿ ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಸಿಬ್ಬಂದಿಗೆ ಈ ಕೆಳಕಂಡ ಉಪಬಂಧಗಳು ಅನ್ವಯವಾಗತಕ್ಕದ್ದು, ಎಂದರೆ :-

(ಎ) ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಸೇವೆಯನ್ನು ಕೊನೆಗೊಳಿಸಲು ಕಾರಣಗಳನ್ನು ದಾಖಲು ಮಾಡಿ, ಅವನಿಗೆ ಮೂರು ಕ್ಯಾಲೆಂಡರು ತಿಂಗಳ ಲಿಖಿತ ನೋಟೀಸು ಕೊಟ್ಟನಂತರ ಅಥವಾ ನೋಟೀಸಿಗೆ ಬದಲಾಗಿ ಮೂರು

ತಿಂಗಳ ವೇತನವನ್ನು ಪಾವತಿ ಮಾಡಿದ ನಂತರ ಆತನ ಸೇವೆಯನ್ನು ಕೊನೆಗೊಳಿಸುವ ಅಧಿಕಾರವನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊಂದಿರತಕ್ಕದ್ದು ;

(ಬಿ) ಸೇವೆಯಲ್ಲಿ ಉಳಿಸಿಕೊಳ್ಳಲಾದ ವ್ಯಕ್ತಿಗೆ, ಅವನ ಆಯ್ಕೆಗನುಸಾರ, ಕಾಲಕಾಲಕ್ಕೆ ನಿಗದಿಪಡಿಸಲಾಗುವ ಸೇವಾ ಷರತ್ತುಗಳು ಅಥವಾ ಆಡಳಿತವು ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾಗುವುದಕ್ಕೆ ನಿಕಟಪೂರ್ವದಲ್ಲಿ ಅವನಿಗೆ ಅನ್ವಯವಾಗುತ್ತಿದ್ದ ಸೇವಾ ನಿಯಮಗಳು ಅನ್ವಯವಾಗತಕ್ಕದ್ದು.

81. ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ ನಿಹಿತವಾದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ನೌಕರರ ಹುದ್ದೆಗಳನ್ನು ಕೆಲವು ಉದ್ದೇಶಗಳಿಗಾಗಿ ಒಂದು ಪ್ರತ್ಯೇಕ ಘಟಕವಾಗಿ ಪರಿಗಣಿಸುವುದು - ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾದ ಒಂದು ಜಿಲ್ಲೆಯ ಎಲ್ಲಾ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಪ್ರತಿಯೊಂದು ಪ್ರವರ್ಗದ ನೌಕರರ ಹುದ್ದೆಗಳು, ಸೇವಾ ಹಿತನ, ಬಡ್ಡಿ, ಖಾಲಿ ಸ್ಥಾನಗಳು ಇಲ್ಲದ್ದಕ್ಕಾಗಿ ಸೇವೆಯಿಂದ ಬಿಡುಗಡೆ ಮಾಡುವುದು ಅಥವಾ ಹಿಂಬಡ್ಡಿ ಮಾಡುವುದೂ ಸೇರಿದಂತೆ ಎಲ್ಲಾ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಒಂದು ಪ್ರತ್ಯೇಕ ಘಟಕವಾಗಿರತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - XIII

ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಪೂರಕ ಸೇವೆಗಳನ್ನು ಒದಗಿಸುವುದು

82. ವೈದ್ಯಕೀಯ ತಪಾಸಣೆ ಮತ್ತು ಆರೋಗ್ಯ ಸೇವೆಗಳು (1) ಮಾನ್ಯತೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳ ವೈದ್ಯಕೀಯ ತಪಾಸಣೆಗಳನ್ನು ಮತ್ತು ವೈದ್ಯಕೀಯ ಪರಿಶೀಲನೆಗಳನ್ನು ನಡೆಸುವ ಬಗ್ಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿಯಮಗಳನ್ನು ನಿಯಮಿಸಬಹುದು ಮತ್ತು ವಿಶೇಷವಾಗಿ ಅಂಥ ನಿಯಮಗಳು, ಅಂತಹ ಯಾವುದೇ ಬಗೆಯ ಪರೀಕ್ಷೆಗಳನ್ನು ಅಥವಾ ಪರಿಶೀಲನೆಗಳನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ವಿಶೇಷ ಅರ್ಹತೆಗಳನ್ನು ಅಥವಾ ಅನುಭವಗಳನ್ನು ಪಡೆದಿರುವ ಸೂಕ್ತ ವಿದ್ಯಾರ್ಹತೆಯುಳ್ಳ ವೈದ್ಯರು ಅಥವಾ ಯಾವುದೇ ಶಿಕ್ಷಣ ಪ್ರಾಧಿಕಾರವು ಆರಿಸಿದ ಯುಕ್ತ ಅರ್ಹತೆ ಪಡೆದಿರುವ ವೈದ್ಯರು ನಡೆಸತಕ್ಕದ್ದು ಎಂಬುದನ್ನು ಅಗತ್ಯಪಡಿಸುವುದಕ್ಕಾಗಿ ಉಪಬಂಧಗಳನ್ನು ಕಲ್ಪಿಸಬಹುದು.

(2) ಮಾನ್ಯತೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಓದುವ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ವೈದ್ಯಕೀಯ ಅಥವಾ ಆರೋಗ್ಯ ನೆರವು ಒದಗಿಸುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಒಂದು ಶೈಕ್ಷಣಿಕ ಆರೋಗ್ಯ ಸೇವೆಯನ್ನು ವ್ಯವಸ್ಥೆಗೊಳಿಸಲು ಪ್ರಯತ್ನಿಸತಕ್ಕದ್ದು.

83. ಊಟ ಮತ್ತು ಉಪಾಹಾರಗಳನ್ನು ಒದಗಿಸುವುದು : - ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಹಾಜರಿರುವ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಅವಶ್ಯವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಮಧ್ಯಾಹ್ನದ ಊಟ ಮತ್ತು ಇತರ ಉಪಾಹಾರಗಳನ್ನು ಒದಗಿಸಲು ರಾಜ್ಯ ಸರ್ಕಾರವು ಪ್ರಯತ್ನಿಸತಕ್ಕದ್ದು. ಊಟ ಮತ್ತು ಫಲಾಹಾರಗಳನ್ನು ಒದಗಿಸುವುದಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚವನ್ನು ಯಾವ ವಿಧಾನದಲ್ಲಿ ಮತ್ತು ಯಾರು ವಹಿಸಬೇಕೆಂಬ ಬಗ್ಗೆ ಮತ್ತು ಊಟವನ್ನು ಮತ್ತು ಉಪಾಹಾರಗಳನ್ನು ಒದಗಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿ ಆಡಳಿತ ಪರಿಷತ್ತು ಯಾವ ಸೌಕರ್ಯಗಳನ್ನು ಒದಗಿಸಬೇಕು ಮತ್ತು ಯಾವ ಸೇವೆಗಳನ್ನು ಒದಗಿಸಬೇಕು ಎಂಬ ಬಗ್ಗೆ ಮತ್ತು ಇತರ ಪ್ರಾಸಂಗಿಕ ವಿಷಯಗಳ ಬಗ್ಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿಯಮಗಳ ಮೂಲಕ ಉಪಬಂಧಗಳನ್ನು ಕಲ್ಪಿಸಬಹುದು.

84. ಮನರಂಜನೆ ಮತ್ತು ದೈಹಿಕ ಶಿಕ್ಷಣ ತರಬೇತಿ ಸೌಕರ್ಯಗಳನ್ನು ಒದಗಿಸುವುದು :-

(1) ವಿದ್ಯಾಭ್ಯಾಸಕ್ಕಾಗಿ ತಾವು ಒದಗಿಸುವ ಸೌಕರ್ಯಗಳಲ್ಲಿ ಸಾಕಷ್ಟು ಮನರಂಜನಾ ಸೌಕರ್ಯಗಳೂ ಮತ್ತು ದೈಹಿಕ ಶಿಕ್ಷಣ ತರಬೇತಿಯ ಸೌಕರ್ಯಗಳೂ ಸೇರಿರುವಂತೆ ನೋಡಿಕೊಳ್ಳುವುದು ಮನ್ನಣೆ ಪಡೆದ ಪ್ರತಿಯೊಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

(2) ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಶಿಕ್ಷಣ ಪಡೆಯುವ ವ್ಯಕ್ತಿಗಳಿಗೆ (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವಂತೆ ಮನರಂಜನೆ, ಕ್ರೀಡೆ ಮತ್ತು ದೈಹಿಕ ಶಿಕ್ಷಣ ತರಬೇತಿ ಸೌಕರ್ಯಗಳನ್ನು ಒದಗಿಸಲು ರಾಜ್ಯ ಸರ್ಕಾರವು ಶಿಬಿರಗಳು, ರಜೆ ಕಾಲದ ತರಗತಿಗಳು, ಆಟದ ಮೈದಾನಗಳು, ಕ್ರೀಡಾ ಮತ್ತು ದೈಹಿಕ ಶಿಕ್ಷಣ ಕೇಂದ್ರಗಳು ಮತ್ತು ಇತರ ಕೇಂದ್ರಗಳನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ಸ್ಥಾಪಿಸಬಹುದು, ನಿರ್ವಹಿಸಬಹುದು ಮತ್ತು ವ್ಯವಸ್ಥೆ ನೋಡಿಕೊಳ್ಳಬಹುದು ಅಥವಾ ಅವುಗಳನ್ನು ಸ್ಥಾಪಿಸಲು, ನಿರ್ವಹಿಸಲು ಮತ್ತು ವ್ಯವಸ್ಥೆ ನೋಡಿಕೊಳ್ಳಲು ಸಹಾಯ ಮಾಡಬಹುದು.

85. ಮಾರ್ಗದರ್ಶನ ಸೇವೆಗಳು :- ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಓದುತ್ತಿರುವ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಶೈಕ್ಷಣಿಕ, ವೃತ್ತಿಪರ ಮತ್ತು ವೈಯಕ್ತಿಕ ಮಾರ್ಗದರ್ಶನ ಸೇವೆಗಳನ್ನು ಒದಗಿಸುವುದಕ್ಕಾಗಿ ಸಾಕಷ್ಟು ವ್ಯವಸ್ಥೆ ಮಾಡಲು ರಾಜ್ಯ ಸರ್ಕಾರವು ಪ್ರಯತ್ನಿಸತಕ್ಕದ್ದು.

86. ಗ್ರಂಥಾಲಯ ಸೇವೆ :- ಮನ್ನಣೆ ಪಡೆದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ, ಶಾಲಾ ಹಾಗೂ ಕಾಲೇಜು ಗ್ರಂಥಾಲಯಗಳ ಸ್ಥಾಪನೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಸಾಕಷ್ಟು ವ್ಯವಸ್ಥೆ ಮಾಡಲು ಪ್ರಯತ್ನಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಓದುತ್ತಿರುವ ವಿದ್ಯಾರ್ಥಿಗಳು ಆ ಗ್ರಂಥಾಲಯಗಳ ಸದುಪಯೋಗ ಪಡೆಯಲು ಅವಶ್ಯ ಅನುಕೂಲಗಳನ್ನು ಒದಗಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - XIV

ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ನೌಕರರ ಸೇವಾ ನಿಬಂಧನೆಗಳು ಮತ್ತು ಷರತ್ತುಗಳು

87. ನೌಕರರ ಅರ್ಹತೆಗಳು ಮತ್ತು ಸೇವಾ ಷರತ್ತುಗಳು - ರಾಜ್ಯ ಸರ್ಕಾರವು, ಪೂರ್ವ ಪ್ರಕಟಣೆಯ ನಂತರ, ಮನ್ನಣೆ ಪಡೆದ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ನೌಕರಿ ಭರ್ತಿ ಮತ್ತು ಸೇವಾ ಷರತ್ತುಗಳನ್ನು ನಿಯಂತ್ರಿಸುವುದಕ್ಕಾಗಿ (ಶಿಸ್ತುಪಾಲನೆಯ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಹಕ್ಕುಗಳೂ ಸೇರಿದಂತೆ) ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು :

ಪರಂತು, ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ನಿರ್ವಹಣಾ ಅನುದಾನವನ್ನು ಪಡೆಯುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ನೌಕರರ ನೌಕರಿ ಭರ್ತಿಗೆ ಕನಿಷ್ಠ ಅರ್ಹತೆಗಳು, ನೌಕರಿ ಭರ್ತಿಯ ವಯಸ್ಸು ಮತ್ತು ನಿವೃತ್ತಿ ಹಾಗೂ ನಿವೃತ್ತಿ ಸೌಲಭ್ಯಗಳು ಅನ್ಯಥಾ ನಿಯಮಿಸಿರುವ ಹೊರತು ರಾಜ್ಯ ಸರ್ಕಾರದ ಸಂಸ್ಥೆಗಳಲ್ಲಿನ ಸಂವಾದಿ ಪ್ರವರ್ಗಗಳ ನೌಕರರು ಯಾರಾದರೂ ಇದ್ದರೆ ಅವರಿಗೆ ಅನ್ವಯವಾಗುವಂಥದೇ ಆಗಿರತಕ್ಕದ್ದು.

88. ನೌಕರರ ನೇಮಕಾತಿ : 87ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನಿಯಮಿಸಲಾದ ಅವಶ್ಯಕ ಅರ್ಹತೆಗಳನ್ನು

ಹೊಂದಿರದ ಯಾವನೇ ವ್ಯಕ್ತಿಯನ್ನು ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾದ ದಿನದಂದು ಮತ್ತು ಅಂದಿನಿಂದ ಅಂಗೀಕಾರ ಪಡೆದ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ನೌಕರನನ್ನಾಗಿ ನೇಮಕ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

89. ಉಪಾಧ್ಯಾಯರು ಮತ್ತು ಇತರ ನೌಕರರ ವೇತನ ಮತ್ತು ಭತ್ಯೆಗಳು - ಮನ್ನಣೆ ಪಡೆದ ಖಾಸಗಿ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ನೇಮಕಗೊಂಡ ವ್ಯಕ್ತಿಗಳ ವೇತನ ಮತ್ತು ಭತ್ಯೆಗಳನ್ನು, ಪ್ರತಿ ತಿಂಗಳೂ ನಿಯಮಿತವಾದ ದಿನದಂದು ಅಥವಾ ಅದಕ್ಕೆ ಮುಂಚಿತವಾಗಿ ನಿಯಮಿಸಬಹುದಾದಂಥ ಅಧಿಕಾರಿಯು ಅಥವಾ ಪ್ರಾಧಿಕಾರವು ಪಾವತಿ ಮಾಡತಕ್ಕದ್ದು ಅಥವಾ ಅವರ ಮೂಲಕ ನಿಯಮಿಸಲಾದ ವಿಧಾನದಲ್ಲಿ ಪಾವತಿಯಾಗತಕ್ಕದ್ದು.

90. ನೌಕರರ ಪಟ್ಟಿಯನ್ನು ಇಡುವುದು - (1) ಪ್ರತಿಯೊಂದು ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ತನ್ನ ನೌಕರರ ಸಂಖ್ಯೆ, ಪ್ರತಿಯೊಬ್ಬ ನೌಕರರ ಹೆಸರು ಮತ್ತು ವಿದ್ಯಾರ್ಹತೆ, ವೇತನ ಶ್ರೇಣಿ ಮತ್ತು ನಿಯಮಿಸಬಹುದಾದಂತಹ ಇತರ ವಿವರಗಳನ್ನು ಒಂದು ಪಟ್ಟಿಯನ್ನು ಇಡತಕ್ಕದ್ದು.

(2) ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾದ ಮೂರು ತಿಂಗಳೊಳಗಾಗಿ ಮತ್ತು ಈ ಅನುಸೂಚಿಯಲ್ಲಿ ಮಾರ್ಪಾಡು ಮಾಡಲಾದ ಅನಂತರದ ಅಷ್ಟೇ ಅವಧಿಯೊಳಗಾಗಿ, ಯಾವುದೇ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಪಟ್ಟಿಯ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಅದರಲ್ಲಿ ಮಾಡಲಾದ ಮಾರ್ಪಾಡುಗಳ ಪ್ರತಿಯೊಂದನ್ನು ಸಂಬಂಧಿಸಿದ ಇಲಾಖಾ ನಿರ್ದೇಶಕನಿಗೆ ಅಥವಾ ಈ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಧಿಸೂಚಿಸಬಹುದಾದಂಥ ಇವರ ಅಧಿಕಾರಿಗೆ ಕಳುಹಿಸತಕ್ಕದ್ದು.

(3) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ನೇಮಕಗಳ ಪಟ್ಟಿಯನ್ನು ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಕಚೇರಿಯಲ್ಲಿ ಇರಿಸತಕ್ಕದ್ದು ಮತ್ತು ಕಚೇರಿಯ ಕೆಲಸದ ವೇಳೆಯಲ್ಲಿ ಆ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಯಾವೊಬ್ಬ ನೌಕರನು ಉಚಿತವಾಗಿ ಪಡೆದು ಅದನ್ನು ಪರಿಶೀಲಿಸಲು ಅವಕಾಶವಿರತಕ್ಕದ್ದು, ಬೋಧಕ ಸಿಬ್ಬಂದಿಯ ಹೆಸರು ಮತ್ತು ವಿದ್ಯಾರ್ಹತೆಗಳನ್ನು ಸಂಸ್ಥೆಯಲ್ಲಿ ಎಲ್ಲರಿಗೂ ಕಾಣುವ ಮುಖ್ಯ ಸ್ಥಳದಲ್ಲಿ ಪ್ರದರ್ಶಿಸತಕ್ಕದ್ದು.

91. ಆಚಾರ ಸಂಹಿತೆ :- (1) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಪ್ರತಿಯೊಬ್ಬ ನೌಕರನು ನಿಯಮಿಸಲಾದ ಆಚಾರ ಸಂಹಿತೆಗೆ ಬದ್ಧನಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಅವನು ಅದರಲ್ಲಿನ ಯಾವುದೇ ಉಪಬಂಧವನ್ನು ಉಲ್ಲಂಘಿಸಿದರೆ ಆತನು ನಿಯಮಿಸಲಾದ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಗುರಿಯಾಗಲು ಬದ್ಧನಾಗಿರತಕ್ಕದ್ದು.

(2) ಆಡಳಿತ ಸಮಿತಿಯು, ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಸಂಬಂಧದಲ್ಲಿ ಅಧಿಕಾರ ನೀಡಿದ ಯಾವನೇ ಪ್ರಾಧಿಕಾರಿಯು, ಪೂರ್ವಾನುಮೋದನೆಯನ್ನು ಪಡೆದು ನೌಕರರು ಪಾಲಿಸತಕ್ಕ ಮಾದರಿ ಆಚಾರ ಪ್ರಮಾಣಗಳನ್ನು ಸಹ ನಿಯಮಿಸಬಹುದು, ಫರಂತು ಆ ಪ್ರಮಾಣಗಳು (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ನಿಯಮಿಸಲಾದವುಗಳಿಗೆ ಅಸಂಗತವಾಗಿರತಕ್ಕದ್ದಲ್ಲ.

92. ವಜಾ ಮಾಡುವುದು ತೆಗೆದುಹಾಕುವುದು ಇತ್ಯಾದಿ - (1) ಈ ಸಂಬಂಧವಾಗಿ ರಚಿಸಬಹುದಾದ ಅಂಥ ನಿಯಮಗಳಿಗೆ ಒಳಪಟ್ಟು ಯಾವುದೇ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಶಿಕ್ಷಕನನ್ನು ಅಥವಾ ಇತರ ನೌಕರನನ್ನು ಕೆಳಕಂಡಂತೆ ಹೊರತು ವಜಾ ಮಾಡತಕ್ಕದ್ದಲ್ಲ, ಕೆಲಸದಿಂದ ತೆಗೆದು ಹಾಕತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ

(ಎ) ಅವನಿಗೆ ಅನ್ವಯವಾಗುವ ಸೇವಾ ಷರತ್ತುಗಳಿಗನುಸಾರವಾಗಿ ಹೊರತು ;

(ಬಿ) ಅವನ ವಿರುದ್ಧ ಮಾಡಲಾದ ದೋಷಾರೋಪಣೆಗಳನ್ನು ಅವನಿಗೆ ತಿಳಿಸಿದ ಮತ್ತು ಅವನು ಸರದಿ

ಆರೋಪಗಳು ಕುರಿತು ಅಹವಾಲು ಹೇಳಿಕೊಳ್ಳಲು ಸೂಕ್ತ ಅವಕಾಶವನ್ನು ಕೊಟ್ಟು ವಿಚಾರಣೆ ನಡೆಸಿದ ತರುವಾಯ

- ಮತ್ತು ಅಂಥ ವಿಚಾರಣೆಯ ನಂತರ ಅವನಿಗೆ ಅಂಥ ದಂಡವನ್ನು ವಿಧಿಸಲು ಉದ್ದೇಶಿಸಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಅಂಥ ವಿಚಾರಣೆ ಕಾಲದಲ್ಲಿ ಒದಗಿಸಲಾದ ಸಾಕ್ಷ್ಯಾಧಾರದ ಮೇಲೆ ಅಂಥ ದಂಡವನ್ನು ಅದು ವಿಧಿಸಬಹುದು :

ಪರಂತು, ಈ ಉಪಕ್ರಮಣವು ತಾತ್ಕಾಲಿಕ ನೌಕರರಿಗೆ ಅಥವಾ ನೈತಿಕ ಅಧಃಪತನವನ್ನು ಒಳಗೊಳ್ಳುವ ದುರ್ವರ್ತನೆಯ ಅಪರಾಧಿಕ ದೋಷಾರೋಪಣೆಯ ಮೇಲೆ ಅಪರಾಧ ನಿರ್ದೇಶವಾಗಿರುವ ಶಿಕ್ಷಕನನ್ನು ಅಥವಾ ಇತರ ನೌಕರನನ್ನು ನೌಕರಿಯಿಂದ ವಜಾ ಮಾಡುವುದಕ್ಕೆ ತೆಗೆದುಹಾಕುವುದಕ್ಕೆ ಅಥವಾ ಕೆಳಗಿನ ದರ್ಜೆಗೆ ಇಳಿಸುವುದಕ್ಕೆ ಅನ್ವಯವಾಗತಕ್ಕದ್ದಲ್ಲ.

(2) (1)ನೇ ಉಪಕ್ರಮಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ದಂಡನೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಇತರ ಯಾವುದೇ ದಂಡನೆಯನ್ನು ವಿಧಿಸುವ ಆದೇಶವನ್ನು.

(ಎ) ಶಿಕ್ಷಕನ ಅಥವಾ ನೌಕರನ ವಿರುದ್ಧ ಕೈಗೊಳ್ಳಲಿರುವ ಕ್ರಮದ ಪ್ರಸ್ತಾವದ ಬಗ್ಗೆ ಮತ್ತು ಯಾವ ಆಪಾದನೆಯ ಮೇಲೆ ಅದನ್ನು ಕೈಗೊಳ್ಳಲು ಉದ್ದೇಶಿಸಲಾಗಿದೆ ಎಂಬ ಬಗ್ಗೆ ಬರವಣಿಗೆಯಲ್ಲಿ ಅವನಿಗೆ ತಿಳಿಸಿ ಮತ್ತು ಅವನು ಮಾಡಿಕೊಳ್ಳಬಯಸಬಹುದಾದ ಯಾವುದೇ ಮನವಿಯನ್ನು ಮಾಡಿಕೊಳ್ಳಲು ಅವಕಾಶವನ್ನು ಕೊಟ್ಟುಹೊರತು ; ಮತ್ತು

(ಬಿ) ಅಂಥ ಮನವಿ ಏನಾದರೂ ಇದ್ದರೆ, ಆ ಮನವಿಯನ್ನು ಪರ್ಯಾಯಲೋಚಿಸಿದ ತರುವಾಯ ಹೊರತು

- ಹೊರಡಿಸತಕ್ಕದ್ದಲ್ಲ.

(3) (ಎ) ಆಡಳಿತ ಸಮಿತಿಯು ಶಿಕ್ಷಕನನ್ನು ಅಥವಾ ಇತರ ನೌಕರರನ್ನು.

(i) ಅವನ ವಿರುದ್ಧ ಶಿಸ್ತುಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲು ಉದ್ದೇಶಿಸಲಾಗಿದ್ದಲ್ಲಿ ಅಥವಾ ಅಂಥ ಶಿಸ್ತುಕ್ರಮ ಇತ್ಯರ್ಥದಲ್ಲಿ ಇರುವಲ್ಲಿ, ಅಥವಾ

(ii) ಅವನ ವಿರುದ್ಧ ಯಾವುದೇ ಕ್ರಿಮಿನಲ್ ಅಪರಾಧದ ಸಂಬಂಧದಲ್ಲಿ ತನಿಖೆ ಅಥವಾ ಅಧಿವಿಚಾರಣೆ ನಡೆಯುತ್ತಿರುವಲ್ಲಿ.

- ಅಮಾನತ್ತಿನಲ್ಲಿಡಬಹುದಾಗಿದೆ.

(ಬಿ) ಅಂಥ ಯಾವುದೇ ಅಮಾನತ್ತು ಆರು ತಿಂಗಳಿಗಿಂತ ಹೆಚ್ಚಿನ ಅವಧಿಯವರೆಗೆ ಜಾರಿಯಲ್ಲಿ ಇರತಕ್ಕದ್ದಲ್ಲ;

ಪರಂತು, ಆರು ತಿಂಗಳ ಅವಧಿಯೊಳಗೆ ವಿಚಾರಣೆಯು ಮುಗಿಯದೆ ಹೋದಲ್ಲಿ,

ಕಾರ್ಯದರ್ಶಿಯವರಾದ ಆ ವಿಷಯವನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಗೆ ತಿಳಿಸತಕ್ಕದು. ನಿಯಂತ್ರಣಕ್ಕೂ ಮೀರಿದ ಸನ್ನಿವೇಶಗಳಿಂದಾಗಿ ವಿಚಾರಣೆಯನ್ನು ಪೂರ್ತಿಗೊಳಿಸುವುದು ಸಾಧ್ಯವಾಗಲಿಲ್ಲವೆಂದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಗೆ ಮನದಟ್ಟಾದರೆ ಅವನು ಅಮಾನತ್ತಿನ ಅವಧಿಯನ್ನು ಆರೂ ತಿಂಗಳಿಗೂ ಮೀರಿ ವಿಸ್ತರಿಸಲು ಅನುಮತಿಸಬಹುದು.

(ಸಿ) ನೌಕರನನ್ನು ಅಮಾನತ್ತಿನಲ್ಲಿ ಇಡುವ ಆಡಳಿತ ಸಮಿತಿಯು, ಅಮಾನತ್ತಿನಲ್ಲಿಡುವ ಬಗ್ಗೆ ಹೊರಡಿಸಲಾದ ಆದೇಶಕ್ಕೆ ಕಾರಣವಾದ ಸನ್ನಿವೇಶಗಳನ್ನು ಆ ಕೂಡಲೇ ಸಕ್ಷಣ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದು;

(ಡಿ) ನಿಯಮಿಸಬಹುದಾದಂಥ ನಿಯಮಗಳಿಗೆ ಒಳಪಟ್ಟು ಈ ಪ್ರಕರಣದ ವೇರೆಗೆ ಅಮಾನತ್ತಿನಲ್ಲಿಡಲಾದ ಪ್ರತಿಯೊಬ್ಬ ನೌಕರನು ನಿಯಮಿಸಬಹುದಾದಂಥ ಜೀವನ ನಿರ್ವಹಣಾ ಭತ್ಯೆಗೆ ಹಕ್ಕುಳ್ಳವನಾಗತಕ್ಕದು.

93. ಆದೇಶವನ್ನು ತಿಳಿಸುವುದು: - (1) ಆಡಳಿತ ಸಮಿತಿಯು ಯಾವುದೇ ದಂಡವನ್ನು ವಿಧಿಸಿ ಅಥವಾ ಅನ್ಯದಾ ನೌಕರನಿಗೆ ಬಾಧಕವಾಗುವಂತೆ ಅವನ ಸೇವಾ ಷರತ್ತುಗಳ ಮೇಲೆ ಪ್ರತಿಕೂಲ ಪರಿಣಾಮ ಬೀರುವಂತೆ ಮಾಡಿದ ಪ್ರತಿಯೊಂದು ಆದೇಶವನ್ನು ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಆ ನೌಕರನಿಗೆ ತಿಳಿಸತಕ್ಕದು.

(2) ಯಾವ ಆದೇಶವನ್ನು (1)ನೇ ಉಪಪ್ರಕರಣಕ್ಕನುಸಾರವಾಗಿ ತಿಳಿಸಿಲ್ಲವೋ ಆ ಯಾವುದೇ ಆದೇಶವು ಮಾನ್ಯವಾಗತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದಲ್ಲ.

54. ಅಪೀಲುಗಳು: - (1) ವಜಾ ಮಾಡಲಾದ, ತೆಗೆದುಹಾಕಲಾದ ಅಥವಾ ಕೆಳದರ್ಜೆಗೆ ಇಳಿಸಲಾದ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಯಾವನೇ ಶಿಕ್ಷಕನು ಅಥವಾ ಇತರ ನೌಕರನು ಆ ಆದೇಶವನ್ನು ಆತನಿಗೆ ತಿಳಿಸಿದ ಮೂರು ತಿಂಗಳ ಒಳಗಾಗಿ ನ್ಯಾಯಾಧಿಕರಣಕ್ಕೆ ಅಪೀಲು ಸಲ್ಲಿಸಬಹುದು.

(2) ಅಂಥ ಅಪೀಲುಗಳಿಗೆ ಕಾಲ ಪರಿಮಿತ ಅಧಿನಿಯಮ, 1963ರ 4ನೇ ಮತ್ತು 5ನೇ ಪ್ರಕರಣಗಳ ಉಪಬಂಧಗಳು ಅನ್ವಯವಾಗತಕ್ಕದು.

(3) ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕಕ್ಕಿಂತ ಮುಂಚೆ, ಯಾವನೇ ಶಿಕ್ಷಕನನ್ನು ಅಥವಾ ನೌಕರನನ್ನು ವಜಾ ಮಾಡಿದ್ದರೆ ಅಥವಾ ತೆಗೆದುಹಾಕಿದ್ದರೆ ಅಥವಾ ಕೆಳದರ್ಜೆಗಳಿಸಿದ್ದರೆ ಅಥವಾ ಅವನ ನೇಮಕಾತಿಯನ್ನು ಇತರ ರೀತಿಯಲ್ಲಿ ಕೊನೆಗೊಳಿಸಿದ್ದರೆ ಮತ್ತು ಅವನು ಆ ದಿನಾಂಕಕ್ಕೆ ಮುಂಚೆ -

(ಎ) ಹಾಗೆ ವಜಾ ಮಾಡಿರುವುದರ ಅಥವಾ ತೆಗೆದುಹಾಕಿರುವುದರ, ಕೆಳದರ್ಜೆಗಳಿಸಿರುವುದರ ಅಥವಾ ನೇಮಕಾತಿಯನ್ನು ಕೊನೆಗೊಳಿಸಿರುವುದರ ವಿರುದ್ಧ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಿದ್ದರೆ; ಅಥವಾ

(ಬಿ) ಅವನು ಅಥವಾ ಆಡಳಿತ ಪರಿಷತ್ತು (ಎ) ಖಂಡದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಅಪೀಲಿನಲ್ಲಿ ಕೊಡಲಾದ ಯಾವುದೇ ಆದೇಶದ ವಿರುದ್ಧ ಅಪೀಲು ಸಲ್ಲಿಸಿದ್ದರೆ ಮತ್ತು ಅದು ಯಾವನೇ ಅಧಿಕಾರಿಯ ಮುಂದೆ ಇತ್ಯರ್ಥದಲ್ಲಿದ್ದರೆ ಮತ್ತು ಅವನು ಅಂಥ ಅಧಿಕಾರಿಗೆ ಆ ಬಗ್ಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದರೆ (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ ಅಂಥ ಅಪೀಲು ನ್ಯಾಯಾಧಿಕರಣಕ್ಕೆ ವರ್ಗಾವಣೆಯಾಗತಕ್ಕದು.

(4) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ದಾಖಲಿ ಮಾಡಿದ ಅಪೀಲನ್ನು ಅಥವಾ (3)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ವರ್ಗಾಯಿಸಲಾದ ಅಪೀಲನ್ನು ನ್ಯಾಯಾಧಿಕರಣವು, ಪಕ್ಷಕಾರನಿಗೆ ತಮ್ಮ ಅಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳಲು ಅವಕಾಶ ಕೊಟ್ಟ ನಂತರ ವಿಲೇ ಮಾಡತಕ್ಕದು.

(5) ಯಾವನೇ ಶಿಕ್ಷಕನಿಗೆ ಅಥವಾ ನೌಕರನಿಗೆ 92ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ದಂಡನೆಯ ಹೊರತಾದ ಯಾವುದೇ ದಂಡನೆಯನ್ನು ವಿಧಿಸುವ ಆದೇಶದ ಸಂಬಂಧದಲ್ಲಿ ಅಂಥ ದಂಡನೆಯನ್ನು ವಿಧಿಸುವ ಆದೇಶವನ್ನು ತಿಳಿಸಿದ ದಿನಾಂಕದಿಂದ ಮೂರು ತಿಂಗಳ ಒಳಗಾಗಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಗೆ ಅಂಥ ಆದೇಶದ ವಿರುದ್ಧ ಅಪೀಲು ಮಾಡಿಕೊಳ್ಳಲು ಅವಕಾಶವಿರತಕ್ಕದು.

(6) (5)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಲ್ಲಿಸಲಾದ ಅಪೀಲನ್ನು, ಪಕ್ಷಕಾರರಿಗೆ ತಮ್ಮ ಅಹವಾಲು ಹೇಳಿಕೊಳ್ಳಲು ಅವಕಾಶವನ್ನು ಕೊಟ್ಟ ಅನಂತರ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು ವಿಲೇ ಮಾಡತಕ್ಕದು.

(7) (6)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಪೀಲಿನ ಮೇಲೆ ಸಕ್ಷಮ ಪದಾಧಿಕಾರಿಯು ನೀಡಿದ ಆದೇಶದ ವಿರುದ್ಧ ನಿಯಮಿಸಿದ ಅವಧಿಯೊಳಗಾಗಿ ನ್ಯಾಯಾಧಿಕರಣದ ಮುಂದೆ ಅಪೀಲು ಮಾಡಿಕೊಳ್ಳಲು ಅವಕಾಶವಿರತಕ್ಕದು ಮತ್ತು ಆ ಬಗ್ಗೆ ನ್ಯಾಯಾಧಿಕರಣದ ತೀರ್ಮಾನವು ಅಂತಿಮವಾಗಿರತಕ್ಕದು.

95. ನ್ಯಾಯಾಲಯ ಶುಲ್ಕ - ಕರ್ನಾಟಕ ನ್ಯಾಯಾಲಯ ಫೀಜು ಹಾಗೂ ದಾವೆಗಳ ಮೌಲ್ಯ ನಿರ್ಣಯ ಅಧಿನಿಯಮ, 1968ರಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ನ್ಯಾಯಾಧಿಕರಣಕ್ಕೆ ಸಲ್ಲಿಸುವ ಅರ್ಜಿಯ ಪ್ರತಿಯೊಂದು ಅಪೀಲಿಗೂ ಇಪ್ಪತ್ತೈದು ರೂಪಾಯಿಯ ನ್ಯಾಯಾಲಯ ಫೀಜು ಸ್ವಾಂಪನ್ನು ಅಂಟಿಸಿರತಕ್ಕದು.

96. ನ್ಯಾಯಾಧಿಕರಣ : - (1) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಸಲ್ಲಿಸಲಾಗುವ ಅಪೀಲುಗಳ ನ್ಯಾಯ ನಿರ್ಣಯಕ್ಕಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ರಾಜಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಒಂದು ಅಥವಾ ಹೆಚ್ಚು ಶೈಕ್ಷಣಿಕ ಅಪೀಲು ನ್ಯಾಯಾಧಿಕರಣಗಳನ್ನು ರಚಿಸತಕ್ಕದು ಮತ್ತು ಒಂದಕ್ಕಿಂತಲೂ ಹೆಚ್ಚು ನ್ಯಾಯಾಧಿಕರಣಗಳನ್ನು ರಚಿಸಿದರೆ ಅಂಥ ಪ್ರತಿಯೊಂದು ನ್ಯಾಯಾಧಿಕರಣದ ಪ್ರಾದೇಶಿಕ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿರ್ದಿಷ್ಟಪಡಿಸತಕ್ಕದು.

(2) ಶೈಕ್ಷಣಿಕ ಅಪೀಲು ನ್ಯಾಯಾಧಿಕರಣವು, ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶನ ದರ್ಜೆಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ದರ್ಜೆಯ ನ್ಯಾಯಿಕ ಅಧಿಕಾರಿಯಾಗಿದ್ದ ಅಥವಾ ಆಗಿರುವ ಒಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದು :

ಪರಂತು (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಶೈಕ್ಷಣಿಕ ಅಪೀಲು ನ್ಯಾಯಾಧಿಕರಣದ ರಚನೆಯಾಗದಿರುವಾಗ, ಪ್ರತಿಯೊಂದು ಜಿಲ್ಲೆಯ ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶನು ಆ ಜಿಲ್ಲೆಯ ಶೈಕ್ಷಣಿಕ ಅಪೀಲು ನ್ಯಾಯಾಧಿಕರಣವಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸತಕ್ಕದ್ದು.

(3) ಶೈಕ್ಷಣಿಕ ಅಪೀಲು ನ್ಯಾಯಾಧಿಕರಣವು : -

(ಎ) ದಾಖಲೆಯಲ್ಲಿರುವ ಆಧಾರದ ಮೇಲೆ ಸದರಿ ಆದೇಶವು ಮನಸೋ ಇಚ್ಛೆಯದಾಗಿದೆ. ವಿಕೃತವಾಗಿದೆ, ದುರುದ್ದೇಶದಿಂದ ಕೂಡಿದೆ, ಸಹಜ ನ್ಯಾಯ ನಿಯಮಗಳನ್ನು ಉಲಂಘಿಸುವಂಥದ್ದಾಗಿದೆ ಎಂದು ಅಥವಾ ಯಾವುದೇ ಇತರ ಆಧಾರದ ಮೇಲೆ ಅದು ಸಮರ್ಥನೀಯವಾಗಿಲ್ಲವೆಂದು ತನಗೆ

ಮನದಟ್ಟಾದರೆ, ಸಂಬಳ, ಭತ್ಯೆಗಳು ಹಾಗೂ ವೆಚ್ಚಗಳ ಸಂದಾಯವೂ ಒಳಗೊಂಡು ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದ ನಿಬಂಧನೆಗಳು ಹಾಗೂ ಷರತ್ತುಗಳು ಯಾವುದಾದರೂ ಇದ್ದರೆ ಅವುಗಳ ಮೇಲೆ ಆ ನೌಕರರನ್ನು ಅವನ ಹುದ್ದೆಯಲ್ಲಿ ಮತ್ತೆ ಇರಿಸುವುದೂ ಸೇರಿದಂತೆ ಆದೇಶಗಳನ್ನು ಮಾಡಬಹುದು ;

(ಬಿ) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಸಲ್ಲಿಸಲಾದ ಅಪೀಲುಗಳ ವಿಲೇಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಸಿವಿಲ್ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1908ರ (1908ರ ಕೇಂದ್ರಾಧಿನಿಯಮ 5) ಮೇರೆಗೆ ಅಪೀಲು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನಿಹಿತವಾದಂಥ ಅಧಿಕಾರಿಗಳನ್ನೇ ಹೊಂದಿರತಕ್ಕದ್ದು ;

(ಸಿ) ಯಾವ ಆದೇಶದ ವಿರುದ್ಧ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆಯೋ ಆ ಆದೇಶದ ಜಾರಿಗೊಳಿಸುವಿಕೆಯನ್ನು ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ನಿಬಂಧನೆಗಳ ಮೇಲೆ ತಡೆಹಿಡಿಯುವ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು ;

(ಡಿ) ತನ್ನ ಆದೇಶಗಳು ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದ ಡಿಗ್ರಿಗಳಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಆ ಆದೇಶಗಳನ್ನು ಅಮಲ್ಜಾರಿಗೊಳಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಿವಿಲ್ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1908ರ (1908ರ ಕೇಂದ್ರಾಧಿನಿಯಮ 5) ಮೇರೆಗೆ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದ ಡಿಕ್ರಿಯನ್ನು ಅಮಲ್ಜಾರಿಗೊಳಿಸುವ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನಿಹಿತವಾದ ಅಧಿಕಾರಿಗಳನ್ನೇ ಹೊಂದಿರತಕ್ಕದ್ದು.

(4) ನ್ಯಾಯಾಧಿಕರಣದ ಸಂಬಂಧದಲ್ಲಿ ವಹಿಸಲಾಗುವ ಎಲ್ಲ ವೆಚ್ಚಗಳನ್ನು ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಭರಿಸತಕ್ಕದ್ದು.

(5) ನ್ಯಾಯಾಧಿಕರಣವು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ, ಯಾವ ವಿಷಯಗಳ ಸಂಬಂಧದಲ್ಲಿ ಯಾವುದೇ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸುತ್ತದೋ ಅಂಥ ವಿಷಯಗಳ ಸಂಬಂಧದಲ್ಲಿ ಯಾವುದೇ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇರತಕ್ಕದ್ದಲ್ಲ.

97. ರಾಜೀನಾಮೆ : - (1) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಯಾವನೇ ನೌಕರನು ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ (1)ನೇ ಉಪಪ್ರಕರಣಕ್ಕನುಸಾರವಾಗಿ ನೋಟೀಸು ಕೊಡುವ ಮೂಲಕ ತನ್ನ ಕೆಲಸಕ್ಕೆ ರಾಜೀನಾಮೆ ನೀಡಬಹುದು.

(2) ರಾಜೀನಾಮೆಯ ಅಂಥ ಪ್ರತಿಯೊಂದು ನೋಟೀಸೂ -

(ಎ) ಆ ನೌಕರನಿಗೆ ಅನ್ವಯವಾಗುವ ಸೇವಾ ನಿಬಂಧನೆಗಳು ಹಾಗೂ ಷರತ್ತುಗಳಿಗೆ ಅನುಗುಣವಾಗಿರತಕ್ಕದ್ದು ; ಮತ್ತು

(ಬಿ) ಅದು ನಿಯಮಿಸಲಾದ ನಮೂನೆಯಲ್ಲಿರತಕ್ಕದ್ದು, ಹಾಗೂ ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಸಂಬಂಧದಲ್ಲಿ ಯುಕ್ತವಾಗಿ ಅಧಿಕೃತಗೊಳಿಸಿದ ಪ್ರಾಧಿಕಾರಿಯು ಅದನ್ನು ದೃಢೀಕರಿಸಿರಬೇಕು.

(3) (2)ನೇ ಉಪಪ್ರಕರಣಕ್ಕನುಗುಣವಾಗಿರದ ಯಾವುದೇ ರಾಜೀನಾಮೆಯು ಮಾನ್ಯವಾಗತಕ್ಕದ್ದಲ್ಲ ಹಾಗೂ ಅದು ಯಾವ ರೀತಿಯಲ್ಲೂ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದಲ್ಲ.

98. ನೌಕರನನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕುವುದು : - ಶಿಕ್ಷಣದ ಅಥವಾ ಶಿಕ್ಷಣ ಕ್ರಮದ ಸಂಬಂಧದಲ್ಲಿ ಮಾಡಿದ ಯಾವುದೇ ಬದಲಾವಣೆಯ ಪರಿಣಾಮವಾಗಿ ಅಥವಾ ಇತರ ಯಾವುದೇ ಕಾರಣದಿಂದಾಗಿ ಆಡಳಿತ ಪರಿಷತ್ತು ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು, ನೌಕರನನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕುವುದು ಅವಶ್ಯವಾದರೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು, ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಅವರ ನಿಕಟ ಮೇಲಾಧಿಕಾರಿಯ ಪೂರ್ವಾನುಮೋದನೆಯ ತರುವಾಯ ಹಾಗೆ ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಬಹುದು.

(2) ಯಾವುದೇ ಅನುದಾನಿತ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿಯ ಬೋಧಕ ಸಿಬ್ಬಂದಿಯ ಒಬ್ಬ ಸದಸ್ಯನನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಿರುವಲ್ಲಿ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು, ಅನುಸೂಚಿತ ಜಾತಿಗಳು ಮತ್ತು ಅನುಸೂಚಿತ ಪಂಗಡಗಳಿಗೆ ಮತ್ತು ಇತರ ಹಿಂದುಳಿದ ವರ್ಗಗಳಿಗಾಗಿ ಹುದ್ದೆಗಳಲ್ಲಿನ ಮೀಸಲಾತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಯಮಿಸಬಹುದಾದಂಥ ನಿಯಮಗಳಿಗೆ ಅಥವಾ ಆದೇಶಗಳಿಗೆ ಒಳಪಟ್ಟು, ಯಾವುದೇ ಇತರ ಅನುದಾನಿತ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಅದೇ ಬಗೆಯ ಹುದ್ದೆಗಳು ಲಭ್ಯವಿರುವಾಗ ಅಂಥ ವ್ಯಕ್ತಿಯನ್ನು ಅದಕ್ಕೆ ನೇಮಕ ಮಾಡತಕ್ಕದ್ದು.

(3) ಒಂದು ಸಂಸ್ಥೆಯ ಆಡಳಿತ ವರ್ಗವು ನೌಕರನನ್ನು ಬೇರೊಂದು ಸಂಸ್ಥೆಯಲ್ಲಿ ಖಾಲಿ ಇರುವ ಒಂದು ಹುದ್ದೆಗೆ ವರ್ಗಾಯಿಸಬೇಕೆಂದು ಇಚ್ಛಿಸಿದಲ್ಲಿ ಅಥವಾ ಸಂಸ್ಥೆಯ ಯಾವನೇ ನೌಕರನು ವರ್ಗಾವಣೆಯನ್ನು ಇಚ್ಛಿಸಿದರೆ ಅಥವಾ ಇಬ್ಬರೂ ನೌಕರರು ಪರಸ್ಪರ ವರ್ಗಾವಣೆಯನ್ನು ಇಚ್ಛಿಸಿದರೆ ರಾಜ್ಯ ಸರ್ಕಾರವು, ಸಂಸ್ಥೆಯ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಆ ನೌಕರನ ಕೋರಿಕೆಯನ್ನು ಮಂಜೂರು ಮಾಡಬಹುದು.

99. ಸೇವೆಯನ್ನು ಕೊನೆಗೊಳಿಸುವುದು : - ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಖಾಯಂಗೊಳಿಸಲಾದ ಒಬ್ಬ ನೌಕರನನ್ನು ದಂಡನೆಯ ಕ್ರಮದಿಂದಾಗಿ ಅಲ್ಲದೆ ಇತರ ಕಾರಣಗಳಿಗಾಗಿ ಆಡಳಿತ ಸಮಿತಿಯು ಸೇವೆಯಿಂದ ತೆಗೆದು ಹಾಕಿದರೆ ಅಥವಾ ಸೇವೆಯನ್ನು ಕೊನೆಗೊಳಿಸಿದರೆ ಆ ನೌಕರನು, ಕನಿಷ್ಠಮೂರು ತಿಂಗಳುಗಳ ಮತ್ತು ಗರಿಷ್ಠ ಹದಿನೈದು ತಿಂಗಳುಗಳ ಸಂಬಳದ ಸಂದಾಯಕ್ಕೆ ಒಳಪಟ್ಟು ಪೂರ್ಣಗೊಳಿಸಿದ ಪ್ರತಿ ಸೇವಾ ವರ್ಷಕ್ಕೆ ಹದಿನೈದು ದಿನಗಳ ಸಂಬಳದ ದರದಲ್ಲಿ ಪರಿಹಾರ ಧನವನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರತಕ್ಕದ್ದು.

100. ಈ ಅಧ್ಯಾಯದ ಮೇಲುಗೈ ಪರಿಣಾಮ - ಈ ಅಧ್ಯಾಯದ ಉಪಬಂಧಗಳು -

(i) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ; ಅಥವಾ

(ii) ಈ ಅಧಿನಿಯಮ ಪ್ರಾರಂಭವಾಗುವ ದಿನದ ಮೊದಲು ಅಥವಾ ಅನಂತರ ಸೇವೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾಡಲಾದ ಯಾವುದೇ ಈ ತೀರ್ಪಿನಲ್ಲಿ ಒಪ್ಪಂದದಲ್ಲಿ ಅಥವಾ ಕರಾರಿನಲ್ಲಿ; ಅಥವಾ

(iii) ಯಾವುದೇ ನ್ಯಾಯಾಲಯ, ನ್ಯಾಯಾಧಿಕರಣ ಅಥವಾ ಇತರ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರದ ಯಾವುದೇ ತೀರ್ಪಿನಲ್ಲಿ ಡಿಕ್ರಿಯಲ್ಲಿ ಅಥವಾ ಆದೇಶದಲ್ಲಿ

- ಏನೇ ಇದ್ದರೂ ಮೇಲುಗೈಯಾಗಿರತಕ್ಕದ್ದು :

ಪರಂತು, ಅಂಥ ಯಾವುದೇ ಕಾನೂನು, ಐತೀರ್ಪು, ಒಪ್ಪಂದ, ಸೇವಾ ಕರಾರು, ತೀರ್ಪು, ಡಿಕ್ರಿ ಅಥವಾ ಆದೇಶ ಇವುಗಳ ಮೇರೆಗೆ ಅಥವಾ ಇತರ ರೀತಿಯಲ್ಲಿ ಯಾವನೇ ಶಿಕ್ಷಕನು ಅತವಾ ಇತರ ನೌಕರನು ಈ ಅಧ್ಯಾಯದ ಮೇರೆಗೆ ಕೊಡಲಾಗುವ ಪ್ರಯೋಜನಗಳಿಗಿಂತ ಹೆಚ್ಚಿನ ಪ್ರಯೋಜನಗಳಿಗೆ

ಹಕ್ಕುಳ್ಳವನಾಗಿರುವಲ್ಲಿ ಅವನು ಅಂಥ ಪ್ರಯೋಜನಗಳ ಮುಂದುವರಿಕೆಗೆ ಹಕ್ಕುಳ್ಳವನಾಗತಕ್ಕುದು :

ಮತ್ತೊಪರಂತು, ಈ ಅಧ್ಯಾಯದಲ್ಲಿ ಇರುವುದು ಯಾವುದೂ, ಅಂಥ ಅನುಕೂಲಕರ ಸೌಲಭ್ಯಗಳನ್ನು ನೀಡಲಾಗುವ ಶಿಕ್ಷಕರು ಅಥವಾ ನೌಕರರು ಯಾವುದಾದರೂ ಕರಾರನ್ನು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅಡ್ಡಿಪಡಿಸತಕ್ಕುದಲ್ಲ.

101. ದಂಡನೆ ವಿಧಿಸಲು ಸರ್ಕಾರದ ಅಧಿಕಾರ : - 92 ಮತ್ತು 94ನೇ ಪ್ರಕರಣಗಳಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ ಮತ್ತು ನಿಯಮಿಸಬಹುದಾದಂಥ ನಿಯಮಗಳಿಗೆ ಒಳಪಟ್ಟು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಒಬ್ಬ ನೌಕರನ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು ಅವಶ್ಯವೆಂದು ಅಭಿಪ್ರಾಯಪಡುವಲ್ಲಿ, ಆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಸಂಬಂಧಪಟ್ಟ ನೌಕರನ ವಿರುದ್ಧ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯ ಒಳಗಾಗಿ ಶಿಸ್ತು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ನಿರ್ದೇಶಿಸಬಹುದು; ಆಡಳಿತ ಪರಿಷತ್ತು ಅಂಥ ನಿರ್ದೇಶನವನ್ನು ಪಾಲಿಸಲು ತಪ್ಪಿದಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಆ ವಿಷಯವನ್ನು ಸರ್ಕಾರಕ್ಕೆ ವರದಿ ಮಾಡತಕ್ಕುದು ಮತ್ತು ಸರ್ಕಾರವು ಸದರಿ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಿದ ನಂತರ, ಆ ನೌಕರನ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಯಾವನೇ ವ್ಯಕ್ತಿಯನ್ನು ಅಥವಾ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರವನ್ನು ಆದೇಶದ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದು. ಹಾಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ವ್ಯಕ್ತಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರವು ಆ ತರುವಾಯ ಆ ನೌಕರನ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಬಹುದು ಮತ್ತು ಆಡಳಿತ ಪರಿಷತ್ತು ವಿಧಿಸತಕ್ಕ ಎಲ್ಲ ದಂಡನೆಗಳನ್ನು ಅಥವಾ ಯಾವುದೇ ದಂಡನೆಯನ್ನು ಅಂಥ ನೌಕರನಿಗೆ ವಿಧಿಸಬಹುದು ಮತ್ತು ಅಂಥ ವ್ಯಕ್ತಿಯ ಅಥವಾ ಪ್ರಾಧಿಕಾರದ ತೀರ್ಮಾನದ ವಿರುದ್ಧ ನಿಯಮಿಸಲಾದ ಅವಧಿಯೊಳಗಾಗಿ ಅಪೀಲು ಸಲ್ಲಿಸಲು ಅವಕಾಶವಿರತಕ್ಕುದು.

ಅಧ್ಯಾಯ - XV

ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ನಿಯಂತ್ರಣ

102. ಆಡಳಿತ ಪರಿಷತ್ತಿನ ಆಚಾರ ಸಂಹಿತೆ : - ರಾಜ್ಯ ಸರ್ಕಾರವು, ಪೂರ್ವ ಪ್ರಕಟಣೆಯ ತರುವಾಯ, ನಿಯಮಿಸಬಹುದಾದಂಥ ಆಚಾರ ಸಂಹಿತೆಯು, ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ಅನ್ವಯವಾಗತಕ್ಕುದು, ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಉದ್ಘೋಷಿಸುವ ಮತ್ತು ಮೇಲೆ ಹೇಳಿದಂಥ ಆಚಾರ ಸಂಹಿತೆಯಲ್ಲಿ ಒಳಗೊಳ್ಳದೆ ಇರುವಂಥ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ನಿಯಮಿಸಿದ ಆಚಾರ ಸಂಹಿತೆಗೆ ಅಸಂಗತವಾಗದಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರದ ಪೂರ್ವಾನುಮೋದನೆ ಪಡೆದು ಆಡಳಿತ ಪರಿಷತ್ತು ಸಿದ್ಧಪಡಿಸಿದ ಆಚಾರ ಸಂಹಿತೆಯು ಅದಕ್ಕೆ ಅನ್ವಯವಾಗತಕ್ಕುದು ಮತ್ತು ಅದನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಕಳಿಸತಕ್ಕುದು.

103. ಸ್ವತ್ತುಗಳ ಪಟ್ಟಿಯನ್ನು ಒದಗಿಸುವುದು : - (1) ಪ್ರತಿಯೊಂದು ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು, ತನ್ನ ಒಡತನದಲ್ಲಿರುವ ಚರ ಹಾಗೂ ಸ್ಥಿರ ಸ್ವತ್ತುಗಳ ಪಟ್ಟಿಯನ್ನು ಇಡತಕ್ಕುದು.

(2) ಆಡಳಿತ ವರ್ಗವು, ನಿಯಮಿಸಿದ ದಿನಾಂಕದಂದು ಅಥವಾ ದಿನಾಂಕದೊಳಗಾಗಿ ನಿಯಮಿಸಿದ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ನಮೂನೆಯಲ್ಲಿ ಅಂಥ ಪಟ್ಟಿಯ ಒಂದು ಪ್ರತಿಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒದಗಿಸತಕ್ಕುದು.

104. ನಿಧಿ, ಮುಂತಾದವುಗಳ ಬಳಕೆ: - (1) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಪರವಾಗಿ ಆಡಳಿತ ವರ್ಗವು ಸಂಗ್ರಹಿಸಿದ ಎಲ್ಲ ಹಣ, ಸ್ವೀಕರಿಸಿದ ಅನುದಾನ ಮತ್ತು ಹೊಂದಿರುವ ಎಲ್ಲ ಸ್ವತ್ತುಗಳನ್ನು ನಿಯಮಿಸಲಾದ ಉದ್ದೇಶಗಳಿಗೆ ಮತ್ತು ಯಾವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅವುಗಳನ್ನು ಕೊಡಲಾಗಿದೆಯೋ ಆ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಬಳಸತಕ್ಕದ್ದು ಮತ್ತು ನಿಯಮಿಸಬಹುದಾದಂಥ ರೀತಿಯಲ್ಲಿ ಆ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ಲೆಕ್ಕಪತ್ರಗಳನ್ನು ಇಡತಕ್ಕದ್ದು.

(2) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು ತನ್ನ ನಿಧಿಗಳನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ರೀತಿಯಲ್ಲಿ ಠೇವಣಿ ಇಡತಕ್ಕದ್ದು.

(3) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದೇ ಹಣದ ಬಗ್ಗೆ ಲೆಕ್ಕ ಕೊಡಲು ತಪ್ಪಿದ ಆಡಳಿತ ಪರಿಷತ್ತು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ನಿಗದಿಪಡಿಸಬಹುದಾದ ಅವಧಿಯೊಳಗಾಗಿ ಆ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಲೆಕ್ಕಕ್ಕೆ ಆ ಹಣವನ್ನು ತುಂಬಿ ಕೊಡತಕ್ಕದ್ದು, ಹಾಗೆ ನಿಗದಿಪಡಿಸಿದ ಅವಧಿಯೊಳಗಾಗಿ ಹಣವನ್ನು ತುಂಬಿಕೊಡದಿದ್ದರೆ, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅದನ್ನು ಭೂಕಂದಾಯದ ಬಾಕಿಯಂತೆ ಆಡಳಿತ ಪರಿಷತ್ತಿನಿಂದ ವಸೂಲು ಮಾಡಿ ಸಂಸ್ಥೆಯ ಲೆಕ್ಕಕ್ಕೆ ಜಮೆ ಮಾಡತಕ್ಕದ್ದು.

105. ಸಾಕಷ್ಟು ನೋಟೀಸು ಕೊಡದೆ ಖಾಸಗಿ ಸಂಸ್ಥೆಗಳನ್ನು ಮುಚ್ಚಿರುವುದು ಇತ್ಯಾದಿ - ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಅನ್ಯಥಾ ಉಪಬಂಧಿಸಿರುವುದನ್ನುಳಿದು, ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತು ಆ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚುವ ಬಗ್ಗೆ ಅಥವಾ ಮುಂದುವರಿಸದಿರುವ ಬಗ್ಗೆ, ಆ ಕುರಿತು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅಧಿಕೃತಗೊಳಿಸಿದ ಅಧಿಕಾರಿಗೆ ಒಂದು ಶೈಕ್ಷಣಿಕ ವರ್ಷಕ್ಕೆ ಕಡಿಮೆಯಲ್ಲದ ಅವಧಿಗೆ ಮುಂಚಿತವಾಗಿ ನೋಟೀಸನ್ನು ಕೊಡದೆ ಆ ಯಾವುದೇ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಮುಂದುವರಿಸದಿರತಕ್ಕದ್ದಲ್ಲ.

(2) ಮನ್ನಣೆ ಪಡೆದ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚಿದ ಅನಂತರ, ಸರ್ಕಾರವು ಅದಕ್ಕೆ ಕೊಟ್ಟ ಸಹಾಯಾನುದಾನಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ನಿರ್ಧರಿಸಬಹುದಾದ ಅದರ ಎಲ್ಲ ಸ್ವತ್ತುಗಳು ರಾಜ್ಯ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತಗೊಳ್ಳತಕ್ಕದ್ದು.

106. ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚುವುದು ಇತ್ಯಾದಿಗಳ ನಂತರ ಆಡಳಿತ ಪರಿಷತ್ತು ಸ್ವತ್ತುಗಳನ್ನು ಮತ್ತು ದಾಖಲೆ, ಮುಂತಾದವುಗಳನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ವಹಿಸಿಕೊಡುವುದು: - (1) ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಮುಚ್ಚುವ ಅಥವಾ ಮುಂದುವರಿಸದಿರುವ ಅಥವಾ ಅದರ ಮನ್ನಣೆಯನ್ನು ರದ್ದುಪಡಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಆಡಳಿತ ಪರಿಷತ್ತು ತನ್ನ ವಶದಲ್ಲಿದ್ದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಎಲ್ಲ ಸ್ವತ್ತುಗಳ, ದಾಖಲೆಗಳ ಮತ್ತು ಲೆಕ್ಕಪತ್ರಗಳ ಅಭಿರಕ್ಷಣೆಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ವಹಿಸಿಕೊಡತಕ್ಕದ್ದು ಅಥವಾ ವಹಿಸಿಕೊಡುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

(2) (ಎ) ಸಂಸ್ಥೆಯ ಸ್ವತ್ತುಗಳ, ದಾಖಲೆಗಳ ಅಥವಾ ಲೆಕ್ಕಪತ್ರಗಳ ಅಭಿರಕ್ಷಣೆಯನ್ನು ತೆಗೆದುಕೊಳ್ಳುವಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಂಥ ಆಡಳಿತ ವರ್ಗವು ಅಡ್ಡಿಪಡಿಸಿದರೆ ಅಥವಾ ತಡೆಯುಂಟು ಮಾಡಿದರೆ, ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯುಳ್ಳ ಪ್ರಥಮ ದರ್ಜೆಯ ಯಾರೇ ನ್ಯಾಯಿಕ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟನಿಗೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇಲೆ, ಅವನು ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ನೋಟೀಸನ್ನು ಕೊಟ್ಟ ನಂತರ ಆದೇಶ ಹೊರಡಿಸಿ, ಅಂಥ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯೊಳಗಾಗಿ ಸಂಸ್ಥೆಯ ಅಂಥ ಸ್ವತ್ತುಗಳ, ದಾಖಲೆಗಳ ಅಥವಾ

ಲೆಕ್ಕಪತ್ರಗಳ ಅಭಿರಕ್ಷೆಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ವಹಿಸಿಕೊಡುವಂತೆ ನಿರ್ದೇಶಿಸತಕ್ಕದ್ದು.

(ಬಿ) (ಎ) ಖಡಂದ ಮೇರೆಗೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯೊಳಗಾಗಿ ಸ್ವತ್ತುಗಳ, ದಾಖಲೆಗಳ ಅಥವಾ ಲೆಕ್ಕಪತ್ರಗಳ ಅಭಿರಕ್ಷೆಯನ್ನು ವಹಿಸಿಕೊಡಲು ಆಡಳಿತ ಪರಿಷತ್ತು ತಪ್ಪಿದರೆ, ಅದು ಆರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಶಿಕ್ಷೆಯಿಂದ ಅಥವಾ ಎರಡು ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತವಾಗತಕ್ಕದ್ದು ಮತ್ತು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟನು, ಅವಶ್ಯವೆನಿಸಬಹುದಾದಂಥ ಪೊಲೀಸ್ ಸಹಾಯದಿಂದ ಸ್ವತ್ತುಗಳ, ದಾಖಲೆಗಳ ಅಥವಾ ಲೆಕ್ಕಪತ್ರಗಳ ಅಭಿರಕ್ಷೆಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ವಹಿಸಿಕೊಡುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

(3) ಈ ಪ್ರಕರಣದಲ್ಲಿರುವುದಾದರೂ, ಧರ್ಮಾರ್ಥ ಅಥವಾ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಯವರ, ಧರ್ಮಾರ್ಥ ಅಥವಾ ಧಾರ್ಮಿಕ ದತ್ತಿಯ ಮತ್ತು ವಕ್ಫ್ನ ಆಡಳಿತಗಳಲ್ಲಿರುವ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಅನ್ವಯಿಸತಕ್ಕದ್ದಲ್ಲ.

107. ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಸ್ವತ್ತನ್ನು ಪರಭಾರೆ ಮಾಡಲು ನಿರ್ಬಂಧ : - (1) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಲಿಖಿತ ಪೂರ್ವಾನುಮತಿಯನ್ನು ಪಡೆದ ಹೊರತು, ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಯಾವುದೇ ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಯಾವುದೇ ಮಾರಾಟ, ಅಡಮಾನ, ಗುತ್ತಿಗೆ, ಒತ್ತೆ ಅಥವಾ ಪ್ರಭಾರ ಅಥವಾ ಸ್ವಾಧೀನತೆಯ ವರ್ಗಾವಣೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಸೃಷ್ಟಿಸತಕ್ಕದ್ದಲ್ಲ.

(2) (ಎ) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಕೋರಲಾದ ಅನುಮತಿಯನ್ನು ನೀಡುವುದರಿಂದ ಸಂಸ್ಥೆಯ ಕಾರ್ಯನಿರ್ವಹಣೆಯ ಮೇಲೆ ಪ್ರತಿಕೂಲ ಪರಿಣಾಮವುಂಟಾಗುವುದೆಂದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅಭಿಪ್ರಾಯಪಡುವ ಹೊರತು ಅದನ್ನು ನಿರಾಕರಿಸತಕ್ಕದ್ದಲ್ಲ.

(ಬಿ) ಅನುಮತಿಗಾಗಿ ಅರ್ಜಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ದಿನಾಂಕದಿಂದ ಅರವತ್ತು ದಿನಗಳ ಅವಧಿಯೊಳಗಾಗಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅಂಥ ಅನುಮತಿಯನ್ನು ನೀಡುವ ಅಥವಾ ನಿರಾಕರಿಸುವ ಬಗ್ಗೆ ಆದೇಶ ನೀಡತಕ್ಕದ್ದು.

(3) (2) ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅನುಮತಿ ನಿರಾಕರಿಸುವ ಆದೇಶದಿಂದ ಬಾಧಿತನಾದ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ನಿಯಮಿಸಬಹುದಾದಂಥ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ಸಮಯದೊಳಗೆ ನಿಯಮಿಸಲಾದ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಬಹುದು.

(4) (1)ನೇ ಉಪಪ್ರಕರಣವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಮಾಡಲಾದ ಯಾವುದೇ ವ್ಯವಹಾರವು ಅನೂರ್ಜಿತವಾಗತಕ್ಕದ್ದು ಮತ್ತು ಅಸಿಂಧುವಾಗತಕ್ಕದ್ದು.

108. ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾಡಿದ ಸಾಲಗಳನ್ನು ಮರು ಪಾವತಿ ಮಾಡಲು ಕಾರ್ಯದರ್ಶಿಯ ಹೊಣೆ : - ಯಾವನೇ ಕಾರ್ಯದರ್ಶಿಯು, ಒಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ನಡೆಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಂಥ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತಿನಿಂದ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಆಡಳಿತ ಸಮಿತಿಯಿಂದ ಸೂಕ್ತ ಅಧಿಕಾರ ಪಡೆಯದೆ ಸಾಲ ಮಾಡಿರುವಲ್ಲಿ ಮತ್ತು ಅಂಥ ಸಾಲಗಳ ಮೂಲಕ ಪಡೆದ ಹಣವನ್ನು ಸಂಸ್ಥೆಯ ನಿರ್ವಹಣೆಗಾಗಿ ಉಪಯೋಗಿಸಿಲ್ಲವೆಂದು ತನಿಖೆ ನಡೆಸಿದ ತರುವಾಯ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕಂಡುಬಂದಲ್ಲಿ ಸದರಿ ಸಾಲಗಳನ್ನು ತೀರಿಸುವುದು ಅಂಥ ಕಾರ್ಯದರ್ಶಿಯ ವೈಯಕ್ತಿಕ ಹೊಣೆಯಾಗಿರತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - XVI

ರಾಜ್ಯ ಶಿಕ್ಷಣ ಸಲಹಾ ಪರಿಷತ್ತು ಇತ್ಯಾದಿ

109. ರಾಜ್ಯ ಶಿಕ್ಷಣ ಸಲಹಾ ಪರಿಷತ್ತು - ಶೈಕ್ಷಣಿಕ ಕಾರ್ಯನೀತಿ ಮತ್ತು ಕಾರ್ಯಕ್ರಮಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯಗಳ ಬಗ್ಗೆ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸಲಹೆ ನೀಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಿ ಅಧಿಕಾರಿಗಳನ್ನು ಮತ್ತು ಅಧಿಕಾರೇತರರನ್ನು ಒಳಗೊಂಡ ರಾಜ್ಯ ಶಿಕ್ಷಣ ಸಲಹಾ ಪರಿಷತ್ತು (ಇದರಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಪರಿಷತ್ತು ಎಂದು ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ) ರಚಿಸತಕ್ಕದ್ದು.

(2) ಶಿಕ್ಷಣ ಖಾತೆಯ ಪ್ರಭಾರವನ್ನು ಹೊಂದಿರುವ ಮಂತ್ರಿಯು ಸಲಹಾ ಪರಿಷತ್ತಿನ ಅಧ್ಯಕ್ಷನಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಇತರ ಮಂತ್ರಿಗಳು ಯಾರಾದರೂ ಇದ್ದರೆ ಅವರು ಸಹ ಅಧ್ಯಕ್ಷರಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಶಿಕ್ಷಣ ಖಾತೆಯ ರಾಜ್ಯ ಮಂತ್ರಿ ಅಥವಾ ಉಪ ಮಂತ್ರಿಯು ಯಾರಾದರೂ ಇದ್ದರೆ, ಅವರು ಈ ಪರಿಷತ್ತಿನ ಉಪಾಧ್ಯಕ್ಷರಾಗಿರತಕ್ಕದ್ದು.

(3) ಸರ್ಕಾರದ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಕಾರ್ಯದರ್ಶಿಯು ಅದರ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಯಾಗಿರತಕ್ಕದ್ದು.

(4) ಪರಿಷತ್ತು ಈ ಕೆಳಕಂಡ ಸದಸ್ಯರನ್ನೂ ಸಹ ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು :-

(ಎ) ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಶ್ವವಿದ್ಯಾನಿಲಯಗಳ ಅಧಿನಿಯಮ, 1978ರ ಮತ್ತು ಕೃಷಿ ವಿಜ್ಞಾನಗಳ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ಅಧಿನಿಯಮ, 1963ರ ಮೇರೆಗೆ ರಚಿತವಾದ ವಿಶ್ವವಿದ್ಯಾನಿಲಯಗಳ ಉಪಕುಲಪತಿಗಳು;

(ಬಿ) ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಆಯುಕ್ತ ಕಾಲೇಜು ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ವಯಸ್ಕರ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ವೃತ್ತಿ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ಯುವಜನ ಸೇವಾ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಹಾಗೂ ಅಲ್ಪಸಂಖ್ಯಾತರ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ, ಕೃಷಿ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ;

(ಸಿ) 110ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ರಚಿತವಾದ ಪ್ರತಿಯೊಂದು ಸ್ಥಾಯೀ ಸಮಿತಿಯ ನಾಮನಿರ್ದೇಶಿತ ಸದಸ್ಯರು;

(ಡಿ) ರಾಜ್ಯ ಸರ್ಕಾರವು, ನಾಮನಿರ್ದೇಶನ ಮಾಡಿದ ಹತ್ತಕ್ಕಿಂತ ಹೆಚ್ಚಿಲ್ಲದಷ್ಟು ಸದಸ್ಯರು, ಇವರಲ್ಲಿ ಮೂವರು ಪರಿಶಿಷ್ಟಜಾತಿ ಹಾಗೂ ಪರಿಶಿಷ್ಟಪಂಗಡಗಳಿಗೆ ಸೇರಿದವರಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಕಡೇ ಪಕ್ಷ ಒಬ್ಬರು ಮಹಿಳೆ ಇರತಕ್ಕದ್ದು, ಇಬ್ಬರು ಹಿಂದುಳಿದ ವರ್ಗಗಳವರು ಹಾಗೂ ಒಬ್ಬರು ಅಲ್ಪಸಂಖ್ಯಾತ ವರ್ಗಕ್ಕೆ ಸೇರಿದವರು ಆಗಿರತಕ್ಕದ್ದು.

(5) ಸದಸ್ಯರ ಅಧಿಕಾರಗಳು ಮತ್ತು ಪ್ರಕಾರ್ಯಗಳು ಮುಪದಾವಧಿಯು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದ್ದು.

110. ಸ್ಥಾಯೀ ಸಮಿತಿ :- (1) ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ, ಕಾಲೇಜು ಶಿಕ್ಷಣ, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ, ವೈದ್ಯಕೀಯ

ಶಿಕ್ಷಣ, ವೃತ್ತಿಶಿಕ್ಷಣ ಹಾಗೂ ವಯಸ್ಕರ ಶಿಕ್ಷಣ ಈ ಪ್ರತಿಯೊಂದು ಇಲಾಖೆಗೂ ರಾಜ್ಯ ಶಿಕ್ಷಣ ಸಲಹಾ ಸಮಿತಿಯ ಒಂದೊಂದು ಸ್ಥಾಯಿ ಸಮಿತಿ ಇರತಕ್ಕದ್ದು.

(2) ಇಂಥ ಪ್ರತಿಯೊಂದು ಸಮಿತಿಯು, ಈ ಕೆಳಕಂಡ ಸದಸ್ಯರನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು -

(ಎ) ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯ ಸರ್ಕಾರದ ಕಮೀಷನರು ಅಥವಾ ಕಾರ್ಯದರ್ಶಿ

- ಅಧ್ಯಕ್ಷರು

(ಬಿ) ಸಂದರ್ಭಾನುಸಾರ ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಕಮೀಷನರು ಅಥವಾ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ ಅಥವಾ ಕಾಲೇಜು ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ ಅಥವಾ ವೃದ್ಯಕೀಯ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ ಅಥವಾ ವಯಸ್ಕರ ಶಿಕ್ಷಣ ಸಲಾಖೆಯ ನಿರ್ದೇಶಕ ಅಥವಾ ವೃತ್ತಿಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕ - ಸದಸ್ಯ;

(ಸಿ) ಸಂಬಂಧಪಟ್ಟ ಶಿಕ್ಷಣ ವಿಷಯದಲ್ಲಿ ತಜ್ಞರಾದ ಮೂವರು ಇತರ ಸದಸ್ಯರನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ನಾಮ ನಿರ್ದೇಶನ ಮಾಡತಕ್ಕದ್ದು.

(3) ಸ್ಥಾಯಿ ಸಮಿತಿಯ ಸದಸ್ಯರ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಕರ್ತವ್ಯಗಳು ಮತ್ತು ಪದಾವಧಿಯು ನಿಯಮಿಸಬಹುದಂತೆ ಇರತಕ್ಕದ್ದು.

111. ಸಲಹಾ ಸಮಿತಿ : - (1) ಸರ್ಕಾರವು ಪೂರ್ವ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ, ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ, ಪ್ರೌಢ ಶಿಕ್ಷಣ, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ, ವೃತ್ತಿಶಿಕ್ಷಣ, ವಯಸ್ಕರ ಶಿಕ್ಷಣ ಮತ್ತು ಪದವಿಪೂರ್ವ ಶಿಕ್ಷಣ, ಕಾಲೇಜು ಶಿಕ್ಷಣ, ವೃದ್ಯಕೀಯ ಶಿಕ್ಷಣ, ಅಧ್ಯಾಪಕರ ಶಿಕ್ಷಣ, ಸಂಸ್ಕೃತ ಶಿಕ್ಷಣ, ಅರೇಬಿಕ್ ಹಾಗೂ ಪರ್ಶಿಯನ್ ಶಿಕ್ಷಣ, ವಾಣಿಜ್ಯ ಶಿಕ್ಷಣ, ಕಲೆ ಮತ್ತು ಕುಶಲ ಕಲಾ ಶಿಕ್ಷಣ, ದೈಹಿಕ ಶಿಕ್ಷಣ, ಹಿಂದೀ ಶಿಕ್ಷಣ, ಸಂಗೀತ, ನೃತ್ಯ, ತಾಳವಾದ್ಯ ನಾಟಕ ಶಿಕ್ಷಣ, ಅಂಗವಿಕಲರ ಶಿಕ್ಷಣ, ಪರಿಶಿಷ್ಟ ಜಾತಿ ಹಾಗೂ ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳವರ ಶಿಕ್ಷಣ, ಬಾಲಿಕೆಯರ ಮತ್ತು ಮಹಿಳೆಯರ ಶಿಕ್ಷಣ, ಅಲ್ಪಸಂಖ್ಯಾತರ ಶಿಕ್ಷಣ, ಶೈಕ್ಷಣಿಕ ಕಟ್ಟಡಗಳು ಮತ್ತು ಅವಶ್ಯವೆಂದು ಭಾವಿಸುವಂಥ ಇತರ ವಿಭಾಗಗಳಲ್ಲಿ ಶಿಕ್ಷಣಕ್ಕಾಗಿ ಪ್ರತ್ಯೇಕ ಸಲಹಾ ಸಮಿತಿಗಳನ್ನು ರಚಿಸಬಹುದು.

(2) ಪ್ರತಿಯೊಂದು ಸಲಹಾ ಸಮಿತಿಯಲ್ಲಿ ನಿಯಮಿಸಬಹುದಾದಷ್ಟು ಅಧಿಕಾರಿ ಮತ್ತು ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು ಸೇರಿ ಒಂಬತ್ತು ಜನರಿಗೆ ಮೀರದಷ್ಟು ಸದಸ್ಯರಿರತಕ್ಕದ್ದು. ರಾಜ್ಯ ಸರ್ಕಾರವು, ಪ್ರತಿ ಸಮಿತಿಯ ಸದಸ್ಯರ ಪೈಕಿ ಒಬ್ಬರನ್ನು ಅಧ್ಯಕ್ಷರನ್ನಾಗಿ ನೇಮಿಸತಕ್ಕದ್ದು ಹಾಗೂ ಪ್ರತಿ ಸಮಿತಿಗೆ ಒಬ್ಬ ಕಾರ್ಯದರ್ಶಿಯನ್ನು ನೇಮಿಸತಕ್ಕದ್ದು.

(3) ಸಮಿತಿಯ ಸದಸ್ಯರ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಪ್ರಕಾರ್ಯಗಳು ಮತ್ತು ಪದಾವಧಿಯು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದ್ದು.

112. ಸಭೆಗಳ ಕಾರ್ಯ ವಿಧಾನ : - ರಾಜ್ಯ ಶಿಕ್ಷಣ ಸಲಹಾ ಪರಿಷತ್ತಿನ ಮತ್ತು ಸಲಹಾ ಸಮಿತಿಗಳ ಸಭೆಗಳಲ್ಲಿ ಅನುಸರಿಸತಕ್ಕ ಕಾರ್ಯ ವಿಧಾನವು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - XVII

ದಂಡನೆಗಳು

113. 17ನೇ ಪ್ರಕರಣದ ಉಲ್ಲಂಘನೆಗಾಗಿ ದಂಡನೆ - (1) ಯಾವನೇ ವ್ಯಕ್ತಿಯು, 17ನೇ ಪ್ರಕರಣದ (4)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಗತ್ಯವಾದಂಥ ಯಾವುದೇ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಲು ತಪ್ಪಿದಲ್ಲಿ ಅವನು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ ಇಪ್ಪತ್ತೈದು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

(2) 17ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಾಡಿದ ಹಾಜರಾತಿ ಆದೇಶ ಪಾಲಿಸಲು ತಂದೆ ತಾಯಿಗಳಲ್ಲಿ ಯಾರಾದರೂ ತಪ್ಪಿದಲ್ಲಿ ಅವರು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ ಎರಡು ರೂಪಾಯಿಗಳಿಗೆ ಮೀರದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತರಾಗತಕ್ಕದ್ದು ಮತ್ತು ಉಲ್ಲಂಘನೆಯ ಮುಂದುವರೆದಲ್ಲಿ ಆ ಅವಧಿಯು ಪ್ರತಿದಿನಕ್ಕೆ ಒಂದು ರೂಪಾಯಿಗೆ ಮೀರದ ಹೆಚ್ಚಿನ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತರಾಗತಕ್ಕದ್ದು :

ಪರಂತು, ಜುಲ್ಮಾನೆಯ ಮೊಬಲಗು ಯಾವುದೇ ಒಂದು ವರ್ಷದಲ್ಲಿ ಒಂದು ನೂರು ರೂಪಾಯಿಗೆ ಮೀರತಕ್ಕದಲ್ಲ.

114. 18ನೇ ಪ್ರಕರಣದ ಉಲ್ಲಂಘನೆಗಾಗಿ ದಂಡನೆ : - ಯಾವನೇ ವ್ಯಕ್ತಿಯು, 18ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿದಲ್ಲಿ, ಅವನು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ ಇಪ್ಪತ್ತೈದು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಉಲ್ಲಂಘನೆ ಮುಂದುವರೆದಲ್ಲಿ ಆ ಅವಧಿಯು ಪ್ರತಿಯೊಂದು ದಿನಕ್ಕೆ ಒಂದು ರೂಪಾಯಿಗೆ ಮೀರದಂತೆ ಹೆಚ್ಚಿನ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

115. 23ನೇ ಪ್ರಕರಣದ ಉಲ್ಲಂಘನೆಗಾಗಿ ದಂಡನೆ - 23ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ತರುವಾಯ ಆರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

116. ರ್ಯಾಗಿಂಗ್ ಮಾಡಿದ್ದಕ್ಕಾಗಿ ದಂಡನೆ : - (1) ವಿಶ್ವವಿದ್ಯಾನಿಲಯದ ಅತವಾ ಕೇಂದ್ರ ಸರ್ಕಾರದ ನೇರ ಆಡಳಿತ ನಿರ್ವಹಣೆಯಲ್ಲಿರುವ ಸಂಸ್ಥೆಯೂ ಸೇರಿದಂತೆ ಒಂದು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಯಾಗಿರುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ರ್ಯಾಗಿಂಗ್ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

(2) (1)ನೇ ಉಪಪ್ರಕರಣವನ್ನು ಉಲ್ಲಂಘಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ತರುವಾಯ, ಒಂದು ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಎರಡು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

117. ಪರೀಕ್ಷೆಗಳಲ್ಲಿ ಕಾಪಿ ಮಾಡಿದ್ದಕ್ಕೆ ದಂಡನೆ - ಯಾವನೇ ವ್ಯಕ್ತಿಯು 24ನೇ ಪ್ರಕರಣವನ್ನು ಉಲ್ಲಂಘಿಸುತ್ತಿರುವುದು ಪರಿವೀಕ್ಷಕನಿಗೆ ಅಥವಾ ಪರೀಕ್ಷೆಯ ಮೇಲ್ವಿಚಾರಣೆ ನಡೆಸುವ ಯಾವನೇ ಇತರ

ವ್ಯಕ್ತಿಗೆ ಕಂಡುಬಂದರೆ ಆತನು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ಮೇಲೆ ಮೂರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

118. ಪರೀಕ್ಷೆಗಳಲ್ಲಿ ಇತರರಂತೆ ನಟಿಸಿ ಹಾಜರಾಗಿದ್ದಕ್ಕೆ ದಂಡನೆ - 25ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ಮೇಲೆ ಒಂದು ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಶಿಕ್ಷೆಯಿಂದ ಅಥವಾ ಒಂದು ನೂರು ರೂಪಾಯಿಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಆದರೆ ಐದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

119. ಪರೀಕ್ಷಾ ಕೇಂದ್ರದ ಸಮೀಪ ಅಲೆದಾಡುತ್ತಿರುವುದು. ಮುಂತಾದವಕ್ಕೆ ದಂಡನೆ - 26ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ಮೇಲೆ ಮೂರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

120. ಪರೀಕ್ಷೆಯಲ್ಲಿ ಬರೆದ ಉತ್ತರಗಳನ್ನು ವ್ಯತ್ಯಾಸಗೊಳಿಸಿದ್ದಕ್ಕೆ ದಂಡನೆ- (1) 27ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ತರುವಾಯ ಒಂದು ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಮತ್ತು ಒಂದು ನೂರು ರೂಪಾಯಿಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಆದರೆ ಐದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

(2) ಯಾವುದೇ ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಿಸಿದ ಕಾರ್ಯವನ್ನು ವಹಿಸಲಾದ ಅಥವಾ ಆ ಸಂಬಂಧವಾಗಿ ನೇಮಕನಾದ ವ್ಯಕ್ತಿಯ ದೇಹಕ್ಕೆ ಅಥವಾ ಸ್ವತ್ತಿಗೆ ಬಾಧಕ ಉಂಟು ಮಾಡುವ ಯಾವುದೇ ಅಪರಾಧವನ್ನು ಮಾಡುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ತರುವಾಯ ಒಂದು ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಅವಧಿಯ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಆದರೆ ಐದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

121. ಪರೀಕ್ಷೆಯಲ್ಲಿ ಇತರ ದುರಾಚರಣೆಗಳಿಗೆ ನಿಷೇಧ, ಇತ್ಯಾದಿ: - 115, 117, 118, 119 ಹಾಗೂ 120 ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ದಂಡನೀಯವಾದ ಅಪರಾಧಗಳ ಹೊರತಾಗಿ ಇತರ ಯಾವುದೇ ದುರಾಚರಣೆಯನ್ನು ಅನುಸರಿಸುವ ಅಥವಾ ಅವಲಂಬಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ತರುವಾಯ ಮೂರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಐದು ನೂರು ರೂಪಾಯಿಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದೆ, ಆದರೆ ಮೂರು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

122. 28ನೇ ಪ್ರಕರಣದ ಉಲ್ಲಂಘನೆಗಾಗಿ ದಂಡನೆ - ಯಾವುದೇ ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಿಸಿದ ಮತ್ತು ಅವನಿಗೆ ವಹಿಸಿಕೊಡಲಾದ ಯಾವುದೇ ಕೆಲಸವನ್ನು ಮಾಡಲು ಯುಕ್ತ ಕಾರಣಗಳಿಲ್ಲದೆ ನಿರಾಕರಿಸುವ

ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ತರುವಾಯ ಒಂದು ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಅವಧಿಯ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

123. ನೋಂದಣಿಯಾಗದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಮುಂತಾದವನ್ನು ಸ್ಥಾಪಿಸಿದ್ದಕ್ಕಾಗಿ ದಂಡನೆ - ಯಾವನೇ ವ್ಯಕ್ತಿಯು, 30ನೇ ಪ್ರಕರಣವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಅಥವಾ 31ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಂಸ್ಥೆಯ ನೋಂದಣಿಯನ್ನು ನಿರಾಕರಿಸಿದ ನಂತರ ಅಥವಾ 34ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೋಂದಣಿಯನ್ನು ರದ್ದುಗೊಳಿಸಿದನಂತರ, ಸಂದರ್ಭಾನುಸಾರ, ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯನ್ನು ಸ್ಥಾಪಿಸಿದಲ್ಲಿ ಅಥವಾ ನಿರ್ವಹಿಸಿದಲ್ಲಿ ಅಥವಾ ನಡೆಸಿಕೊಂಡು ಬಂದಲ್ಲಿ ಅಪರಾಧ ನಿರ್ಣಯವಾದ ತರುವಾಯ ಮೂರು ವರ್ಷಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಆದರೆ, ಆರು ತಿಂಗಳಿಗಿಂತ ಕಡಿಮೆಯಲ್ಲದ ಅವಧಿಯ ಕಾರಾವಾಸದಿಂದ ಹಾಗೂ ಐದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಆದರೆ, ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

124. ನೋಂದಣಿಯಾಗದ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಗಳನ್ನು ನಿರ್ವಹಿಸಿದ್ದಕ್ಕಾಗಿ ಅಥವಾ ನಡೆಸಿದ್ದಕ್ಕಾಗಿ ದಂಡನೆ: - (1) ಯಾವನೇ ವ್ಯಕ್ತಿಯು, 35ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದ (ಬಿ) ಖಂಡವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯನ್ನು ನಿರ್ವಹಿಸಿಕೊಂಡು ಬಂದಲ್ಲಿ ಅಥವಾ ನಡೆಸಿಕೊಂಡು ಬಂದಲ್ಲಿ ಅಥವಾ ಸದರಿ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪಡೆಯದೆಯೇ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯನ್ನು ಸ್ಥಾಪಿಸಿದಲ್ಲಿ ಮತ್ತು ನಿರ್ವಹಿಸಿಕೊಂಡು ಬಂದಲ್ಲಿ ಅಥವಾ ಆ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅವನಿಗೆ ಕೊಟ್ಟಿರುವ ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ರದ್ದುಗೊಳಿಸಿದ ತರುವಾಯವೂ ಅಂಥ ಸಂಸ್ಥೆಯನ್ನು ನಡೆಸಿಕೊಂಡು ಬರುವುದನ್ನು ಮುಂದುವರಿಸಿದಲ್ಲಿ, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ, ಅವನು ಎರಡು ನೂರಾಣವತ್ತು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು:

ಪರಂತು, ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಎರಡನೇ ಅಥವಾ ತರುವಾಯದ ಯಾವುದೇ ಅಪರಾಧ ನಿರ್ಣಯಕ್ಕಾಗಿ, ಅವನು ಮೂರು ತಿಂಗಳವರೆಗಿನ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಐದು ನೂರು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

125. 51ನೇ ಪ್ರಕರಣವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಹಣ ಸಂಗ್ರಹಿಸುವುದಕ್ಕಾಗಿ ದಂಡನೆ: - 51ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧನಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯು, ಹಣ ಸಂಗ್ರಹಿಸುತ್ತಿರುವುದಾಗಿ ಕಂಡುಬಂದಲ್ಲಿ, ಅಂಥ ಸಂಗ್ರಹಣೆಯ ಕಾಲದಲ್ಲಿ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪ್ರಭಾರವನ್ನು ಹೊಂದಿದ್ದ ಮತ್ತು ಆ ಬಗ್ಗೆ ಅದಕ್ಕೆ ಜವಾಬ್ದಾರನಾಗಿದ್ದ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ ಆರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಅವಧಿಯ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ ಯಾರಿಂದ ಹಣ ಸಂಗ್ರಹಿಸಿತ್ತೋ ಅಂಥ ವ್ಯಕ್ತಿಗೆ ಹಾಗೆ ಸಂಗ್ರಹಿಸಿದ ಹಣವನ್ನು ಸಂಸ್ಥೆಯು ಮರು ಸಂದಾಯ ಮಾಡತಕ್ಕದ್ದು.

126. ಆಡಳಿತ ಪರಿಷತ್ತು ಆಚಾರ ಸಂಹಿತೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿದ್ದಕ್ಕಾಗಿ ದಂಡನೆ: - ಯಾವುದೇ ಆಡಳಿತ ಪರಿಷತ್ತು 102ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ನಿಯಮಿಸಲಾದ ಯಾವುದೇ ಆಚಾರ ಸಂಹಿತೆಯನ್ನು ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಅಥವಾ ತಿಳಿದೂ ತಿಳಿದೂ ಉಲ್ಲಂಘಿಸಿದಲ್ಲಿ ಈ ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇರೆಗೆ ರಚಿತವಾದ ನಿಯಮಗಳ ಮೇರೆಗೆ ಕೈಕೊಳ್ಳಬಹುದಾದ ಯಾವುದೇ ಇತರ ಕ್ರಮಕ್ಕೆ ಬಾಧೆಯುಂಟಾಗದಂತೆ, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ ಅದರ ಪ್ರತಿಯೊಬ್ಬ ಸದಸ್ಯನು ಅಂಥ ಪ್ರತಿಯೊಂದು ಉಲ್ಲಂಘನೆಗಾಗಿ ಐದು ನೂರು ರೂಪಾಯಿಗೆ ಮೀರದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

127. ಸಂಸ್ಥೆಗಳನ್ನು ಮುಚ್ಚುವ ಬಗ್ಗೆ ನೋಟೀಸನ್ನು ಕೊಡಲು ತಪ್ಪಿರುವುದಕ್ಕಾಗಿ ದಂಡನೆ - ಯಾವುದೇ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಪರಿಷತ್ತು 105ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಗತ್ಯಪಡಿಸಲಾಗಿರುವ ನೋಟೀಸನ್ನು ಕೊಡಲು ತಪ್ಪಿದಲ್ಲಿ ಅದರ ಪ್ರತಿಯೊಬ್ಬ ಸದಸ್ಯನು ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ, ಎರಡು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಸಾದಾ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಅವೆರಡರಿಂದಲೂ ಮತ್ತು ಹಾಗೆ ತಪ್ಪು ಮಾಡಿದ ಪ್ರತಿ ದಿನಕ್ಕೆ ಐವತ್ತು ರೂಪಾಯಿ ಜುಲ್ಮಾನೆಯಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

128. ಅಪರಾಧದ ಬಗ್ಗೆ ಉಪಬಂಧಿಸಿರದ ಜುಲ್ಮಾನೆಗಳು: - ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಒಳಗೊಂಡಿರುವ ಮುಂಚಿನ ಉಪಬಂಧಗಳ ಮೇರೆಗೆ ದಂಡನೀಯವಾದುವುಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಯಾವುದೇ ಇತರ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಅಥವಾ ಉಲ್ಲಂಘಿಸಲು ಯತ್ನಿಸುವ ಅಥವಾ ಉಲ್ಲಂಘಿಸಲು ದುಷ್ಕರಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ನಂತರ ಅಂಥ ಪ್ರತಿಯೊಂದು ಉಲ್ಲಂಘನೆಗಾಗಿ ಐದು ನೂರು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಮತ್ತು ಈ ಅಧಿನಿಯಮ ಅಥವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಅವಧಿಯಲ್ಲಿ ಅಪರಾಧವು ಮುಂದುವರೆದಿರುವ ಅವಧಿಯಲ್ಲಿ ಒಂದು ನೂರು ರೂಪಾಯಿಗಳಿಗೆ ಮೀರದ ಜುಲ್ಮಾನೆಯನ್ನು ವಿಧಿಸತಕ್ಕದ್ದು.

129. ಕಂಪನಿಗಳಿಂದ ಅಪರಾಧಗಳು: - (1) ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ಯಾವುದೇ ನಿಯಮದ ಯಾವುದೇ ಉಪಬಂಧಗಳ ವಿರುದ್ಧ ಕಂಪನಿಯು ಅಪರಾಧವನ್ನು ಮಾಡಿರುವಲ್ಲಿ ಆ ಅಪರಾಧವು ನಡೆದ ಕಾಲದಲ್ಲಿ ಕಂಪನಿಯ ಆಡಳಿತದ ಪ್ರಭಾರವನ್ನು ಹೊಂದಿದ್ದ ಮತ್ತು ಅದರ ವ್ಯವಹಾರಗಳನ್ನು ನಡೆಸುವ ಬಗ್ಗೆ ಕಂಪನಿಗೆ ಜವಾಬ್ದಾರನಾಗಿದ್ದ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಹಾಗೂ ಆ ಕಂಪನಿಯನ್ನು ಆ ಅಪರಾಧದ ಬಗ್ಗೆ ತಪ್ಪಿತಸ್ಥರೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅವರು ತಮ್ಮ ವಿರುದ್ಧ ಕೈಕೊಳ್ಳಲಾಗುವ ವ್ಯವಹಾರಣೆಗೆ ಗುರಿಯಾಗತಕ್ಕದ್ದು ಮತ್ತು ತದನುಸಾರವಾಗಿ ದಂಡಿತನಾಗತಕ್ಕದ್ದು:

ಪರಂತು, ಈ ಉಪಪ್ರಕರಣದಲ್ಲಿರುವುದು ಯಾವುದೂ, ಆ ಅಪರಾಧವು ತನ್ನ ತಿಳುವಳಿಕೆಗೆ ಬಾರದೆ ನಡೆಯಿತೆಂದು ಅದನ್ನು ತಡೆಗಟ್ಟಲು ತಾನು ಎಲ್ಲ ಯುಕ್ತ ಜಾಗರೂಕತೆ ವಹಿಸಿದ್ದನೆಂದು ಅಂಥ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ರುಜುವಾತುಪಡಿಸಿದರೆ, ಅವನನ್ನು ಯಾವುದೇ ದಂಡನೆಗೆ ಗುರಿಪಡಿಸತಕ್ಕದ್ದಲ್ಲ.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಯಾವುದೇ ಅಂಥ ಅಪರಾಧವನ್ನು ಕಂಪನಿಯು ಮಾಡಿರುವಲ್ಲಿ ಮತ್ತು ಆ ಅಪರಾಧವು ಆ ಕಂಪನಿಯ ಯಾವನೇ ನಿರ್ದೇಶಕನ ಅಥವಾ ವ್ಯವಸ್ಥಾಪನ ಕಾರ್ಯದರ್ಶಿಯ ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯ ಸಮ್ಮತಿಯಿಂದ ಅಥವಾ ಪರೋಕ್ಷ ಸಮ್ಮತಿಯಿಂದ

ನಡೆಯಿತೆಂದು ರುಜುವಾತಾದರೆ ಅಥವಾ ಆ ಅಪರಾಧವು ಅವರ ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯತೆಯಿಂದ ಆಗಿದೆಯೆಂದು ಆರೋಪಿಸಬಹುದಾದರೆ, ಅಂಥ ನಿರ್ದೇಶಕ, ವ್ಯವಸ್ಥಾಪಕ, ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯನ್ನು ಆ ಅಪರಾಧದ ಬಗ್ಗೆ ತಪ್ಪಿತಸ್ಥನೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅದಕ್ಕನುಸಾರವಾಗಿ ಅವನ ವಿರುದ್ಧ ಕೈಕೊಳ್ಳಲಾಗುವ ವ್ಯವಹರಣೆಗಳಿಗೆ ಗುರಿಯಾಗತಕ್ಕದ್ದು ಮತ್ತು ತದನುಸಾರವಾಗಿ ದಂಡನತನಾಗತಕ್ಕದ್ದು.

ವಿವರಣೆ : - ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಗಳಿಗಾಗಿ -

(ಎ) ಕಂಪನಿ ಎಂದರೆ, ಯಾವುದೇ ನಿಗಮಿತ ನಿಕಾಯ ಮತ್ತು ಇದು ನ್ಯಾಸ, ಫರ್ಮು, ಸಂಘ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ಇತರ ಸಂಸ್ಥೆ - ಇವುಗಳನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ; ಮತ್ತು

(ಬಿ) ಫರ್ಮಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ "ನಿರ್ದೇಶಕಿ" ಎಂದರೆ -

(i) ಆ ಫರ್ಮಿನ ಪಾಲುದಾರ;

(ii) ಸಂಘ, ನ್ಯಾಸ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ಇತರ ಸಂಸ್ಥೆಗಳ ಸಂಬಂಧದಲ್ಲಿ ನಿರ್ದೇಶಕಿ ಎಂದರೆ, ಸಂಘದ, ನ್ಯಾಸದ ಅಥವಾ ಇತರ ಸಂಸ್ಥೆಯ ನಿಯಮಗಳ ಮೇರೆಗೆ, ಸಂಘದ ನ್ಯಾಸದ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಇತರ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ನಿರ್ವಹಣೆಯ ಕಾರ್ಯವನ್ನು ವಹಿಸಿ ಕೊಡಲಾಗಿರುವ ವ್ಯಕ್ತಿ.

ಅಧ್ಯಾಯ - XVIII

ಸಂಕೀರ್ಣ

130. ಅಪೀಲುಗಳು : - ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಅನ್ಯಥಾ ಉಪಬಂಧಿಸಿದುದನ್ನಲ್ಲದೆ, ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಯಾವನೇ ಅಧಿಕಾರಿಯು ಅಥವಾ ಪ್ರಾಧಿಕಾರವು ಹೊರಡಿಸಿದ ಯಾವುದೇ ಆದೇಶದಿಂದ ಬಾಧಿತನಾದ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಥವಾ ಯಾವುದೇ ಆಡಳಿತ ಪರಿಷತ್ತು ತೊಂದರೆಗೊಳಗಾದರೆ, ನಿಯಮಿಸಲಾದ ಅವಧಿಯೊಳಗಾಗಿ ನಿಯಮಿಸಲಾದ ಅಪೀಲು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಬಹುದು.

131. ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ಪುನರೀಕ್ಷಣೆ : - (1) ಯಾವ ವ್ಯವಹರಣೆಯಲ್ಲಿ ಮಧ್ಯಸ್ಥಗಾರನಿಗೆ ಒಪ್ಪಿಸಲು ಅಥವಾ ಉಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಲು ಉಪಬಂಧಿಸಿರುವುದಿಲ್ಲವೋ ಅಂಥ ವ್ಯವಹರಣೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವುದೇ ಆಡಳಿತಾತ್ಮಕ ಅಥವಾ ನ್ಯಾಯಿಕ ಸ್ವರೂಪದ ತೀರ್ಮಾನದ ಅಥವಾ ಆದೇಶದ ಕ್ರಮಬದ್ಧತೆ, ಸರಿತನ, ಕಾನೂನು ಸಮ್ಮತತೆ ಅಥವಾ ಔಚಿತ್ಯದ ಬಗ್ಗೆ ಮನವರಿಕೆ ಮಾಡಿಕೊಳ್ಳಲು ರಾಜ್ಯ ಸರ್ಕಾರವು ತಾನಾಗಿಯೇ ಆಗಲಿ ಅಥವಾ ಹಿತಾಸಕ್ತಿಯುಳ್ಳ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯ ಮೇಲಾಗಲಿ ಅಂಥ ತೀರ್ಮಾನ ಅಥವಾ ಆದೇಶಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂಥ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯ ಅಥವಾ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರದ ಅಧಿಕಾರಿಯ ಅಥವಾ ವ್ಯಕ್ತಿಯ ದಾಖಲೆಯನ್ನು ತರಿಸಿಕೊಂಡು ಪರೀಕ್ಷಿಸಬಹುದು ಮತ್ತು ಯಾವುದೇ ಅಂಥ ತೀರ್ಮಾನವನ್ನು ಅಥವಾ ಆದೇಶವನ್ನು ಮಾರ್ಪಾಟುಗೊಳಿಸಬೇಕೆಂದು, ರದ್ದುಗೊಳಿಸಬೇಕೆಂದು ಅಥವಾ ವಿಪರ್ಯಯಗೊಳಿಸಬೇಕೆಂದು, ಮರುಪರಿಶೀಲನೆಗಾಗಿ

ಕಳಿಸಿಕೊಡಬೇಕೆಂದು ಸರ್ಕಾರಕ್ಕೆ ಕಂಡುಬರುವ ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲಿ, ಅದು ತದನುಸಾರವಾಗಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸಬಹುದು :

ಪರಂತು, ರಾಜ್ಯ ಸರ್ಕಾರವು, ಯಾರೇ ಪಕ್ಷಕಾರರನ್ನು ಪ್ರತಿಕೂಲವಾಗಿ ಬಾಧಿಸುವಂಥ ಯಾವುದೇ ಆದೇಶವನ್ನು, ಆ ಪಕ್ಷಕಾರನಿಗೆ ತನ್ನ ಅಹವಾಲನ್ನು ಸಲ್ಲಿಸಲು ಅವಕಾಶವನ್ನು ಕೊಟ್ಟು ಹೊರತು ಹೊರಡಿಸತಕ್ಕದ್ದಲ್ಲ.

(2) ರಾಜ್ಯ ಸರ್ಕಾರವು (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಂಥ ಯಾವುದೇ ತೀರ್ಮಾನ ಅಥವಾ ಆದೇಶದ ಬಗ್ಗೆ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುವವರೆಗೆ, ಯಾವುದೇ ಅಂಥ ತೀರ್ಮಾನದ ಅಥವಾ ಆದೇಶದ ಜಾರಿಯನ್ನು ತಡೆಹಿಡಿಯಬಹುದು.

(3) (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಸಲ್ಲಿಸಬೇಕಾದ ಪ್ರತಿಯೊಂದು ಅರ್ಜಿಯನ್ನು ನಿಯಮಿಸಬಹುದಾದಂಥ ಅಧಿಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ನಿಯಮಿಸಬಹುದಾದಂಥ ಫೀಜಿನೊಂದಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದು.

132. ಪುನರಾವಲೋಕನ : - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಕಮೀಷನರನು ಅಥವಾ ನಿರ್ದೇಶಕನು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ತಾವಾಗಿಯೇ ಅಥವಾ ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಯಾವುದೇ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿದ ತೊಂಭತ್ತು ದಿನಗಳ ಒಳಗಾಗಿ ಹಿತಾಸಕ್ತ ವ್ಯಕ್ತಿಯು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯ ಮೇಲೆ ಒಂದು ವೇಳೆ ಆ ಯಾವುದೇ ಆದೇಶವನ್ನು ಯಾವುದೇ ಸಂಗತಿಯ ಅಥವಾ ಕಾನೂನಿನ ತಪ್ಪಿನಿಂದಾಗಿ ಅಥವಾ ಯಾವುದೇ ವಸ್ತು ಸಂಗತಿಯ ಅರಿವಿಲ್ಲದೆಯೇ ಅಥವಾ ಅಥವಾ ಆತ ಹೊರಡಿಸಿದ್ದರೆ, ಆ ಯಾವುದೇ ಆದೇಶವನ್ನು ಪುನರಾವಲೋಕನ ಮಾಡಬಹುದು.

(2) 131ನೇ ಪ್ರಕರಣದ (1), (2), (3)ನೇ ಉಪಪ್ರಕರಣಗಳ ಪರಂತುಕದಲ್ಲಿರುವ ಉಪಬಂಧಗಳನ್ನು ಆದಷ್ಟು ಮಟ್ಟಿಗೆ, ಆ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದ ವ್ಯವಹರಣೆಗಳಿಗೆ ಅವು ಅನ್ವಯವಾಗುವಂತೆಯೇ ಈ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಯಾವುದೇ ವ್ಯವಹರಣೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆಯೂ ಅನ್ವಯಿಸಬಹುದು.

133. ನಿರ್ದೇಶನಗಳನ್ನು ಕೊಡಲು ಸರ್ಕಾರದ ಅಧಿಕಾರ : - (1) ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಅಧಿನಿಯಮದ ಇತರ ಉಪಬಂಧಗಳಿಗೆ ಒಳಪಟ್ಟು ಆದೇಶದ ಮೂಲಕ ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಕಮೀಷನರನಿಗೆ ಅಥವಾ ನಿರ್ದೇಶಕನಿಗೆ ಅಥವಾ ಜಿಲ್ಲಾ ಶಿಕ್ಷಣಾಧಿಕಾರಿಯ ದರ್ಜೆಗಿಂತ ಕಡಿಮೆಯಲ್ಲದ ದರ್ಜೆಯ ಇತರ ಯಾರೇ ಅಧಿಕಾರಿಗೆ ಸದರಿ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಯಾವುದೇ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಚಾರಣೆ ಮಾಡಲು ಅಥವಾ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಸೂಕ್ತ ವ್ಯವಹಾರಣೆಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ನಿರ್ದೇಶಿಸಬಹುದು ಮತ್ತು ಸಂದರ್ಭಾನುಸಾರ, ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಕಮೀಷನರನು, ನಿರ್ದೇಶಕನು ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯು ತಾನು ಮಾಡಿದ ವಿಚಾರಣೆಯ ಅಥವಾ ಕೈಕೊಂಡ ವ್ಯವಹರಣೆಯ ಫಲಿತಾಂಶವನ್ನು ಯಥಾ ಕ್ರಮದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ವರದಿ ಮಾಡತಕ್ಕದು.

(2) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ಈಡೇರಿಸುವುದಕ್ಕಾಗಿ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ರಚಿಸಲಾದ ಯಾವುದೇ ನಿಯಮಗಳನ್ನು ಅಥವಾ ಆದೇಶಗಳನ್ನು ಅಥವಾ ಅವುಗಳ

ಉಪಬಂಧಗಳನ್ನು ಜಾರಿಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಅವಶ್ಯವೆಂದು ಅಥವಾ ಯುಕ್ತವೆಂದು ತಾನು ಅಭಿಪ್ರಾಯಪಡುವಂಥ ನಿರ್ದೇಶನಗಳನ್ನು ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ ಅಥವಾ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಗೆ ನೀಡಬಹುದು ಮತ್ತು ಅಂಥ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ವರ್ಗವು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಒಡೆಯನು ಅಂಥ ಪ್ರತಿಯೊಂದು ನಿರ್ದೇಶನವನ್ನು ಪಾಲಿಸತಕ್ಕದ್ದು.

(3) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಿ ತನ್ನ ನಿಯಮತ್ರಣದಲ್ಲಿರುವ ಅಧಿಕಾರಿಗಳಿಗೆ ಅಥವಾ ಪ್ರಾಧಿಕಾರಿಗಳಿಗೆ ತಾನು ಅವಶ್ಯಕವೆಂದು ಅಥವಾ ಯುಕ್ತವೆಂದು ಅಭಿಪ್ರಾಯಪಡುವಂತಹ ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡಬಹುದು ಮತ್ತು ಅಂಥ ನಿರ್ದೇಶನಗಳನ್ನು ಪಾಲಿಸುವುದು ಅಂಥ ಅಧಿಕಾರಿಗಳ ಅಥವಾ ಪ್ರಾಧಿಕಾರಿಗಳ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

134. ಪ್ರವೇಶಿಸುವ ಮತ್ತು ಪರಿಶೀಲಿಸುವ ಅಧಿಕಾರ : - ನಿಯಮಿಸಬಹುದಾದಂಥ ದರ್ಜೆಗೆ ಕಡಿಮೆಯಲ್ಲದ ದರ್ಜೆಯ ಪ್ರತಿಯೊಬ್ಬ ಅಧಿಕಾರಿಯೂ, ನಿಯಮಿಸಬಹುದಾದಂಥ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಅಥವಾ ಟ್ಯುಟೋರಿಯಲ್ ಸಂಸ್ಥೆಯ ವಾಡಿಕೆಯ ಕೆಲಸದ ವೇಳೆಯ ಅವಧಿಯ ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ತನ್ನ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯೊಳಗಿರುವ ಯಾವುದೇ ಅಂಥ ಸಂಸ್ಥೆಯ ಯಾವುದೇ ಆವರಣಗಳನ್ನು ಪ್ರವೇಶಿಸಲು ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ತನ್ನ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುವ ಮತ್ತು ತನ್ನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಅಂಥ ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ದಾಖಲೆಯನ್ನು, ರಿಜಿಸ್ಟ್ರನ್ನು ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜುಗಳನ್ನು ಅಥವಾ ಯಾವುದೇ ಚರ ಅಥವಾ ಸ್ಥಿರ ಸ್ವತ್ತನ್ನು ಪರಿಶೀಲಿಸಲು ಸಕ್ಷಮವಾಗಿರತಕ್ಕದ್ದು.

(2) ಈ ಸಂಬಂಧದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಕೃತಗೊಳಿಸಿದ ಯಾವನೇ ಅಧಿಕಾರಿಯು, ಅಧಿನಿಯಮದ ಯಾವುದೇ ಉಪಬಂಧಗಳ ಉಲ್ಲಂಘನೆಯಾಗುತ್ತಿದೆ ಎಂದು ಅಥವಾ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ ಎಂದು ಅವನಿಗೆ ನಂಬಲು ಕಾರಣವಿದ್ದರೆ, ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ವಾಡಿಕೆ ಕೆಲಸದ ವೇಳೆಯ ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಅಂಥ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಆ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಮಂಡಳಿಗೆ ಸೇರಿದ ಯಾವುದೇ ಆವರಣವನ್ನು ಪ್ರವೇಶಿಸಬಹುದು ಮತ್ತು ದಾಖಲೆಗಳು, ಲೆಕ್ಕಪತ್ರಗಳು, ರಿಜಿಸ್ಟ್ರರುಗಳು ಅಥವಾ ಇತರ ದಾಖಲೆಗಳನ್ನು ಅಂಥ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಆಡಳಿತ ಮಂಡಳಿಗೆ ಅವು ಸಂಬಂಧಪಡುವಷ್ಟರ ಮಟ್ಟಿಗೆ ಶೋಧಿಸಬಹುದು ಮತ್ತು ಪರಿಶೀಲಿಸಬಹುದು ಮತ್ತು ಯಾವುದೇ ಅಂಥ ಉಲ್ಲಂಘನೆ ನಡೆಯುತ್ತಿದೆಯೇ ಅಥವಾ ನಡೆದಿದೆಯೇ ಎಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಅಂಥ ದಾಖಲೆ, ಲೆಕ್ಕಪತ್ರ ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳಬಹುದು.

(3) ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದಲ್ಲಿ ಅಸ್ತಿತ್ವದಲ್ಲಿರುವ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಹಣಕಾಸುಗಳನ್ನು ಅಥವಾ ಸಂಪನ್ಮೂಲಗಳನ್ನು ಅಥವಾ ಆಸ್ತಿಗಳನ್ನು ಸೂಕ್ತವಾಗಿ ಹಾಗೂ ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಬಳಕೆಯಾಗುವಂತೆ ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ, ರಾಜ್ಯ ಸರ್ಕಾರವು, (2)ನೇ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧಗಳ ನೆರವು ಪಡೆಯುವುದು ಮತ್ತು ಯಾವುದೇ ಸಂಸ್ಥೆಯ ಹಣಕಾಸುಗಳು, ಸಂಪನ್ಮೂಲಗಳು ಹಾಗೂ ಆಸ್ತಿಗಳು - ಇವುಗಳ ಬಗ್ಗೆ ಖಚಿತವಾಗಿ ತಿಳಿದುಕೊಳ್ಳುವುದು ಮತ್ತು ಹಾಗೆ ಖಚಿತವಾಗಿ ತಿಳಿದುಕೊಂಡ ತರುವಾಯ, ಆಡಳಿತ ಪರಿಷತ್ತಿಗೆ ತಾನೂ ಸೂಕ್ತವೆಂದು ಭಾವಿಸುವಂಥ ನಿರ್ದೇಶನ ನೀಡುವುದು ಸಕ್ಷಮವಾಗಿರತಕ್ಕದ್ದು.

(4) ಶೋಧನೆ ಹಾಗೂ ಜಫ್ಫಿಗೆ ಸಂಬಂಧಪಡುವ ದಂಡ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1973ರ (1974ರ ಕೇಂದ್ರಾನಿಧಿಯಮ 2) ಉಪಬಂಧಗಳು, (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗಿನ ಶೋಧನೆ ಹಾಗೂ ಜಫ್ಫಿಗೆ ಸಾಧ್ಯವಾದಷ್ಟು ಮಟ್ಟಿಗೆ ಅನ್ವಯವಾಗತಕ್ಕದು.

135. ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸುವ ಅಧಿಕಾರಿಗೆ ಅಥವಾ ಇನ್ನಿತರ ವ್ಯಕ್ತಿಗೆ ಅಡ್ಡಿಯುಂಟು ಮಾಡಿದ್ದಕ್ಕೆ ದಂಡನೆ : - ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ಸರ್ಕಾರದ ಅಧಿಕಾರಿಗೆ ಪ್ರವೃತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಆ ಅಧಿಕಾರಿಯು ಚಲಾಯಿಸುವಾಗ ಅಥವಾ ಆ ಅಧಿಕಾರಿಗೆ ಒಪ್ಪಿಸಿರುವ ಪ್ರಕಾರ್ಯವನ್ನು ಆ ಅಧಿಕಾರಿಯು ನಿರ್ವಹಿಸುವಾಗ ಅಥವಾ ಅಂಥ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಲು ಅಥವಾ ಅಂಥ ಪ್ರಕಾರ್ಯವನ್ನು ನಿರ್ವಹಿಸಲು ಅಂಥ ಅಧಿಕಾರಿಗೆ ಕಾನೂನು ಸಮ್ಮತವಾಗಿ ನೆರವಾಗುತ್ತಿರುವ ಯಾವನೇ ಇತರ ವ್ಯಕ್ತಿಗೆ ಅಡ್ಡಿಯುಂಟು ಮಾಡುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅಥವಾ ಆ ಅಧಿಕಾರಿಯು ಅಥವಾ ಆ ವ್ಯಕ್ತಿಯು ಕಾನೂನು ಸಮ್ಮತವಾಗಿ ನೀಡಿದ ನಿರ್ದೇಶನಗಳನ್ನು ಪಾಲಿಸಲು ತಪ್ಪಿದ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಇನ್ನೂರೈವತ್ತು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದು.

136. ರಕ್ಷಣೆ : - ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ರಚಿಸಿದ ನಿಯಮಗಳ ಮೇರೆಗೆ ಸದ್ಭಾವನೆಯಿಂದ ಮಾಡಿದ ಅಥವಾ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ಕೃತ್ಯಕ್ಕಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಥವಾ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರದ ಅಧಿಕಾರಿಯ ಅಥವಾ ನೌಕರನ ವಿರುದ್ಧ ಯಾವುದೇ ದಾವೆಯನ್ನು ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಅನ್ನು ಅಥವಾ ಇತರ ವ್ಯವಹಾರಗಳನ್ನು ಹೂಡಲು ಅವಕಾಶವಿರತಕ್ಕದಲ್ಲ.

137. ತನಿಖೆ ಹಾಗೂ ಅಪರಾಧಗಳ ಸಂಜ್ಞಾನೆ : - (1) ಯಾವುದೇ ನ್ಯಾಯಾಲಯವು, 115ರಿಂದ 122 ಈ ಪ್ರಕರಣಗಳ ಮೇರೆಗೆ (ಎರಡೂ ಪ್ರಕರಣಗಳೂ ಸೇರಿ) ಹೊರತು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ದಂಡನೀಯವಾದ ಯಾವುದೇ ಅಪರಾಧದ ಬಗ್ಗೆ ಅಥವಾ ನೌಕರನ ವಿರುದ್ಧ ಯಾವುದೇ ದಾವೆಯನ್ನು, ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಅನ್ನು ಅಥವಾ ಇತರ ವ್ಯವಹಾರಗಳನ್ನು ಹೂಡಲು ಅವಕಾಶವಿರತಕ್ಕದಲ್ಲ.

(2) 115ರಿಂದ 122ರ ರೆಗಿನ (ಎರಡೂ ಸೇರಿ) ಪ್ರಕರಣಗಳ ಮೇರೆಗೆ ದಂಡನೀಯವಾದ ಎಲ್ಲ ಅಪರಾಧಗಳ ಬಗ್ಗೆ

(ಎ) ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ದರ್ಜೆಯ ಅಥವಾ ಅದಕ್ಕೂ ಹೆಚ್ಚಿನ ದರ್ಜೆಯ ಅಧಿಕಾರಿಯು ತನಿಖೆ ನಡೆಸತಕ್ಕದು ; ಮತ್ತು

(ಬಿ) ಅಂಥ ಅಪರಾಧಗಳು ಸಂಜ್ಞೇಯವಾಗಿರತಕ್ಕದು ಹಾಗೂ ಜಾಮೀನಿಯವಾಗಿರತಕ್ಕದಲ್ಲ ;

ಪರಂತು, ಆಪಾದಿತ ವ್ಯಕ್ತಿಯು ಮಹಿಳೆಯಾಗಿರುವಲ್ಲಿ ತನಿಖೆಯ ಅಥವಾ ಅಧಿವಿಚಾರಣೆಯ ಹಂತದಲ್ಲಿ ತಾನು ಹಾಜರಾಗುವುದಾಗಿ ಅವಳು ವೈಯಕ್ತಿಕ ಮುಚ್ಚಳಿಕೆಯನ್ನು ಬರೆದುಕೊಟ್ಟಾಗ ಅವಳನ್ನು ಜಾಮೀನಿನ ಮೇಲೆ ಬಿಡುಗಡೆ ಮಾಡತಕ್ಕದು.

138. ಅಪರಾಧಗಳ ದುಷ್ಟೀಕರಣಗಾಗಿ ದಂಡನೆ : - ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ದಂಡನೀಯವಾದ

ಯಾವುದೇ ಅಪರಾಧ ಮಾಡುವಂತೆ ಪ್ರಚೋದಿಸುವ ಅಥವಾ ದುಷ್ಟೀರಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಅಪರಾಧ ನಿರ್ಣಯವಾದ ತರುವಾಯ, ಅಂಥ ಅಪರಾಧಕ್ಕಾಗಿ ಉಪಬಂಧಿಸಲಾಗಿರುವ ದಂಡನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕುದು.

139. ವಿಚಾರಣೆ ಮತ್ತು ವ್ಯವಹಾರಣೆಗಳು: - ನ್ಯಾಯಾಧಿಕರಣದ ಮುಂದಿರುವ ಎಲ್ಲ ವ್ಯವಹಾರಣೆಗಳು ಮತ್ತು ವಿಚಾರಣೆಗಳನ್ನು, ಭಾರತ ದಂಡ ಸಂಹಿತೆ, 1860ರ (1860)ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ XIV) 193, 219 ಮತ್ತು 228ನೇ ಪ್ರಕರಣಗಳ ಅರ್ಥ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ನ್ಯಾಯಿಕ ವ್ಯವಹಾರಣೆಗಳೆಂದು ಭಾವಿಸತಕ್ಕುದು.

140. ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1966ರ ತಿದ್ದುಪಡಿ ಕ. ಪ್ರಾ. ಶಿಕ್ಷಣ ಪರಿಷ್ಕಾ ಮಂಡಳಿಯ ಅಧಿನಿಯಮ 1966 (1966ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 16) ಅನುಸೂಚಿ 1ರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸುವ ಆ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಷ್ಟು ಮಟ್ಟಿಗೆ ಈ ಮೂಲಕ ತಿದ್ದುಪಡಿ ಮಾಡಲಾಗಿದೆ.

141. ತೊಂದರೆಗಳ ನಿವಾರಣೆ : ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಜಾರಿಗೊಳಿಸುವಲ್ಲಿ ಯಾವುದೇ ತೊಂದರೆಯು ಉದ್ಭವಿಸಿದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಆದೇಶವನ್ನು ಹೊರಡಿಸಿ ಸದರಿ ಉಪಬಂಧಗಳಿಗೆ ಅಸಂಗತವಾಗಿದಂಥ ಮತ್ತು ಆ ತೊಂದರೆಯ ನಿವಾರಣೆಗೆ ಅಗತ್ಯವೆಂದು ಅಥವಾ ಯುಕ್ತವೆಂದು ತನಗೆ ಕಂಡುಬರುವಂಥ ಉಪಬಂಧಗಳನ್ನು ರಚಿಸಬಹುದು.

143. ಪ್ರತ್ಯಾಯೋಜನೆ : - ರಾಜ್ಯ ಸರ್ಕಾರವು, ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಿ, ಅಂಥ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ವಿಷಯಗಳಿಗೆ ಈ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮತ್ತು ಅಂಥ ಷರತ್ತುಗಳೇನಾದರೂ ಇದ್ದರೆ ಅವುಗಳಗೊಳಪಟ್ಟು, ತಾನು ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ರಚಿತವಾದ ನಿಯಮಗಳ ಮೇರೆಗೆ ಚಲಾಯಿಸಬಹುದಾದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಅಧಿಕಾರಗಳನ್ನು, ಆ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಧೀನದಲ್ಲಿರುವ ಅಧಿಕಾರಿಯು ಅಥವಾ ಪ್ರಾಧಿಕಾರವೂ ಕೂಡ ಚಲಾಯಿಸಬಹುದಾದಂತೆ ಪ್ರತ್ಯಾಯೋಜಿಸಬಹುದು.

144. ಇತ್ಯರ್ಥದಲ್ಲಿರುವ ವ್ಯವಹಾರಣೆಗಳ ವರ್ಗಾವಣೆ : - ಕರ್ನಾಟಕ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ (ಶಿಸ್ತುಪಾಲನೆ ಮತ್ತು ನಿಯಂತ್ರಣ) ಅಧಿನಿಯಮ, 1975ರ (1975ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮದ 10) ಮೇರೆಗೆ ರಚಿತವಾದ ಶೈಕ್ಷಣಿಕ ಅಪೀಲು ನ್ಯಾಯಾಧಿಕರಣದ ಮುಂದೆ ಈ ಅಧಿನಿಯಮ ಪ್ರಾರಂಭದ ದಿನಾಂಕಕ್ಕೆ ನಿಕಟ ಪೂರ್ವದಲ್ಲಿ ಇತ್ಯರ್ಥದಲ್ಲಿರುವ ಎಲ್ಲ ಅಪೀಲುಗಳು ಮತ್ತು ಎಲ್ಲ ವ್ಯವಹಾರಣೆಗಳು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ರಚಿತವಾದ ಶೈಕ್ಷಣಿಕ ನ್ಯಾಯಾಧಿಕರಣಕ್ಕೆ ವರ್ಗಾಯಿತವಾಗಿರತಕ್ಕುದು ಮತ್ತು ಅವು ಸದರಿ ಅಧಿನಿಯಮವು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ನಿರಸಿತವಾಗದಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಅವುಗಳನ್ನು ಕರ್ನಾಟಕ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ (ಶಿಸ್ತುಪಾಲನೆ ಮತ್ತು ನಿಯಂತ್ರಣ) ಅಧಿನಿಯಮ, 1975 (1975ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 10)ರ ಉಪಬಂಧಗಳಿಗನುಸಾರವಾಗಿ, ಅಂಥ ನ್ಯಾಯಾಧಿಕರಣದಿಂದ ಇತ್ಯರ್ಥವಾಗತಕ್ಕುದು.

145. ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ : - (1) ರಾಜ್ಯ ಸರ್ಕಾರ, ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ಜಾರಿಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಅಥವಾ ಪೂರ್ವಭಾವಿ ಪ್ರಕಟಣೆಯ ತರುವಾಯ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.

(2) ವಿಶೇಷವಾಗಿ ಮತ್ತು ಪೂರ್ವೋಚ್ಚ ಅಧಿಕಾರದ ಸಾಮಾನ್ಯಾನ್ವಯಕ್ಕೆ ಬಾಧಕವಾಗದಂತೆ ಅಂಥ ನಿಯಮಗಳಲ್ಲಿ ಈ ಕೆಳಕಂಡವುಗಳ ಬಗ್ಗೆ ಉಪಬಂಧಿಸಬಹುದು : -

(i) ಎಷ್ಟರವರೆಗಿನ ಶಿಕ್ಷಣ ತರಗತಿಗಳು ಅಥವಾ ಇಯತ್ಗಳನ್ನು ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವೆಂದು ಪರಿಗಣಿಸತಕ್ಕದ್ದು ;

(ii) 7ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾಗಿರುವ ಪಾಠಕ್ರಮಗಳು, ಇತ್ಯಾದಿ;

(iii) ಜಾಗೃತಾ ವಿಭಾಗಗಳ ಕರ್ತವ್ಯಗಳು ಮತ್ತು ಪ್ರಕಾರ್ಯಗಳು :

(iv) 9ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಮಂಜೂರಾದ ಹುದ್ದೆಗಳಿಗೆ ನೇಮಕಾತಿ ಮಾಡುವ ಪ್ರಾಧಿಕಾರಗಳು ಮತ್ತು ವಿಧಾನ ಹಾಗೂ ಅಧಿಕಾರಿಗಳ ಮತ್ತು ಸಿಬ್ಬಂದಿ ವರ್ಗದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಪ್ರಕಾರ್ಯಗಳು;

(v) 10ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ರಚಿತವಾದ ಮಂಡಳಿಗಳ ರಚನೆ ಮತ್ತು ಅಧಿಕಾರಿಗಳು ;

(vi) ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶವೆಂದು ಯಾವುದೇ ಪ್ರದೇಶವನ್ನು ಅಧಿಸೂಚಿಸುವುದಕ್ಕೆ ಮುಂಚೆ ಕಡ್ಡಾಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವನ್ನು ನೀಡಲು ಅಗತ್ಯವಾದ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸಲು ಕೈಗೊಳ್ಳಬೇಕಾದ ಕ್ರಮಗಳು ;

(vii) ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶದಲ್ಲಿ ಹಾಜರಾತಿ ಪ್ರಾಧಿಕಾರವು ವಿದ್ಯಾರ್ಥಿಗಳ ಪಟ್ಟಿಯನ್ನು ಸಿದ್ಧಪಡಿಸಬೇಕಾದ ರೀತಿ ;

(viii) ಒಂದು ಮಗುವನ್ನು ಎಷ್ಟು ದೂರದಿಂದ ಆಚೆಗೆ ಇರುವ ಅನುವೋದಿತ ಶಾಲೆಗೆ ಹಾಜರಾಗತಕ್ಕದ್ದೆಂದು ಒತ್ತಾಯಿಸಲು ಸಾಧ್ಯವಿಲ್ಲವೋ ಆ ದೂರವನ್ನು ನಿಗದಿಪಡಿಸುವುದು ;

(ix) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಯಾವುದೇ ವಿಚಾರಣೆ ನಡೆಸಬೇಕಾದ ರೀತಿ ;

(x) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಹಾಜರಾತಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸಬೇಕಾದ ನಮೂನೆ ;

(xi) ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅನುವೋದಿತ ಶಾಲೆಗಳು ಇಡಬೇಕಾದ ಅಥವಾ ಒದಗಿಸಬೇಕಾದ ರಿಜಿಸ್ಟರುಗಳು, ವಿವರಣೆಗಳು, ವರದಿಗಳು, ವಿವರಣಪಟ್ಟಿಗಳು, ಆಯವ್ಯಯ ಪತ್ರಗಳು ಮತ್ತು ಇತರ ಮಾಹಿತಿ ;

(xii) ಪ್ರೌಢ ಇಲ್ಲವೆ ಉನ್ನತ ಪ್ರೌಢ ಶಿಕ್ಷಣ, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ, ವಿಶೇಷ ಶಿಕ್ಷಣ ಇವುಗಳನ್ನು ಮತ್ತು ಶಾಲೆಗಳು ಅಥವಾ ಇತರ ವಿದ್ಯಾ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಶಾಲಾ ಆವರಣ ಇವುಗಳನ್ನು, ಶಾಲೆಗೆ ಹೋಗುವ ಮಕ್ಕಳ ವಯೋಮಾನ ಮತ್ತು ಶಾಲೆಗಳಲ್ಲಿನ ಹಾಜರಾತಿ ಬಗ್ಗೆ ವಿವರಿಸುವ ಘೋಷಣೆ ;

(xiii) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಸ್ಥಾಪನೆ ಅಥವಾ ನಿರ್ವಹಣೆ ಮತ್ತು ಆಡಳಿತ ;

(xiv) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ನೋಂದಣಿ ಅಥವಾ ಮನ್ನಣೆ ನೀಡುವುದು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಷರತ್ತುಗಳು;

(xv) ಸಂಸ್ಥೆಗಳ ನೋಂದಣಿಗಾಗಿ ಅರ್ಜಿ ಹಾಕಿಕೊಳ್ಳಲು ಅವಧಿ ಮತ್ತು ರೀತಿ;

(xvi) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಮತ್ತು ಟ್ಯೂಟೋರಿಯಲ್ ನೋಂದಣಿ ಬಗ್ಗೆ ಇಡಬೇಕಾದ ರಿಜಿಸ್ಟ್ರಿನ ಮತ್ತು ನೋಂದಣಿ ಪ್ರಮಾಣಪತ್ರದ ನಮೂನೆ

(xvii) ತಜ್ಞ ಮಂಡಲಿಯ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವ ರೀತಿ;

(xviii) ಹಾಲಿ ಸಂಸ್ಥೆಗಳಿಗೆ ಮನ್ನಣೆ ನೀಡುವ ಬಗ್ಗೆ ಷರತ್ತುಗಳು ಮತ್ತು ಆ ಸಂಬಂಧವಾದ ಕಾರ್ಯ ವಿಧಾನ;

(xix) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಫೀಜಿನ ದರವನ್ನು ಮತ್ತು ಫೀಜನ್ನು ವಿಧಿಸುವುದು ಮತ್ತು ಸಂಗ್ರಹಿಸುವುದು - ಇವುಗಳನ್ನು ನಿಯಂತ್ರಿಸುವುದು;

(xx) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿನ ಲೆಕ್ಕಪತ್ರಗಳು, ರಿಜಿಸ್ಟ್ರರುಗಳು, ದಾಖಲೆಗಳು ಮತ್ತು ಇತರ ವಸ್ತುವೇಜುಗಳನ್ನು ಇಡಬೇಕಾದ ರೀತಿ ಮತ್ತು ಹಾಗೆ ಇಡಲು ಜವಾಬ್ದಾರವಾಗಿರುವ ಪ್ರಾಧಿಕಾರ;

(xxi) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಅಥವಾ ಟ್ಯೂಟೋರಿಯಲ್ ಸಂಸ್ಥೆಗಳ ಸ್ವತ್ತುಗಳ ಬಗ್ಗೆ ಸಂಬಂಧಪಟ್ಟ ವ್ಯವಸ್ಥಾಪಕರು ಅಥವಾ ಒಡೆಯರು ವಿವರಪಟ್ಟಿಗೆ, ವಿವರಣೆಗಳು ಮತ್ತು ಲೆಕ್ಕಪತ್ರಗಳನ್ನು ಒಪ್ಪಿಸುವುದು;

(xxii) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಮತ್ತು ಟ್ಯೂಟೋರಿಯಲ್ ಸಂಸ್ಥೆಗಳ ಪರಿಶೀಲನೆ ಮತ್ತು ಪರಿಶೀಲನೆ ಮಾಡತಕ್ಕ ಅಧಿಕಾರಿಗಳು;

(xxiii) ಅಂಥ ಸಂಸ್ಥೆಗಳ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು ಇಡುವ ಮತ್ತು ಲೆಕ್ಕಪರಿಶೋಧನೆಯ ವಿಧಾನ;

(xxiv) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಶಿಕ್ಷಣದ ಗುಣಮಟ್ಟ ಮತ್ತು ವ್ಯಾಸಂಗ ಕ್ರಮ;

(xxv) ಶಿಷ್ಯ ವೇತನ, ಫೀ ರಿಯಾಯಿತಿಗಳು ಮತ್ತು ಅಂಥದೇ ರಿಯಾಯಿತಿಗಳನ್ನು ಒದಗಿಸಲು ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳಿಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಮೊಬಲಗನ್ನು ಮಂಜೂರು ಮಾಡುವುದು;

(xxvi) ಸಾಮಾನ್ಯವಾಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗಾಗಿ ಮತ್ತು ವಿಶೇಷವಾಗಿ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣದ ಅಭಿವೃದ್ಧಿಗಾಗಿ ಅಭಿವೃದ್ಧಿ ಯೋಜನೆಗಳನ್ನು ಸಿದ್ಧಪಡಿಸುವುದು ಮತ್ತು ಒಪ್ಪಿಸುವುದು ಹಾಗೂ ಅಂಥ ಯೋಜನೆಗಳ ಒಳಾಂಶಗಳು;

(xxvii) ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಇತರ ಅಧೀನ ಸಿಬ್ಬಂದಿ ವರ್ಗದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಪ್ರಕಾರ್ಯಗಳು;

(xxviii) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಕಟ್ಟಡ ನಕ್ಷೆಗಳ ಮತ್ತು ಅಂದಾಜುಗಳ ತಯಾರಿಕೆ ಹಾಗೂ ಮಂಜೂರಾತಿ ಮತ್ತು ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಿಗಳು ಮತ್ತು ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ನಿರ್ವಹಿಸುತ್ತಿರುವ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಕಟ್ಟಡಗಳ ಸಂಬಂಧದಲ್ಲಿ ಪಾಲಿಸಿಗಳ ಅನುಷ್ಠಾನಗಳು;

(xxix) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಕಟ್ಟಡಗಳ ಆವರಣಗಳನ್ನು ಯಾವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಬಳಸಿಕೊಳ್ಳಬಹುದು ಮತ್ತು ಅಂಥ ಆ ಕಟ್ಟಡಗಳನ್ನು ಇತರ ಯಾವುದೇ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಯಾವ ನಿಬಂಧನೆ ಮತ್ತು ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಉಪಯೋಗಿಸಿಕೊಳ್ಳಬಹುದು;

(xxx) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ ಪಠ್ಯ ಪುಸ್ತಕಗಳು, ನಕಾಶೆಗಳು, ನಕ್ಷೆಗಳು, ಉಪಕರಣಗಳು ಮತ್ತು ಇತರ ಪ್ರಯೋಗಾಲಯದ ಮತ್ತು ಕ್ರೀಡಾ ಸಾಧನ ಸಲಕರಣೆಗಳ ಬಳಕೆಯನ್ನು ನಿಯಂತ್ರಿಸುವುದು;

(xxxi) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಶೈಕ್ಷಣಿಕ ವ್ಯಾಸಂಗ ಕ್ರಮಗಳಿಗಾಗಿ ಖಾಸಗಿ ಅಧ್ಯಯನಕ್ಕಾಗಿ ಮತ್ತು ಇತರ ವಿಶೇಷ ವ್ಯಾಸಂಗ ಕ್ರಮಗಳಿಗಾಗಿ ಪ್ರವೇಶ ನೀಡುವುದನ್ನು ಮತ್ತು ಅವುಗಳಲ್ಲಿ ಹಾಜರಾತಿ ಬಗ್ಗೆ ನಿಯಂತ್ರಿಸುವುದು;

(xxxii) ಶಿಕ್ಷಣ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಪ್ರಾಧಿಕಾರಿಗಳು ನಡೆಸುವ ಪರೀಕ್ಷೆಗಳಿಗೆ ಹಾಜರಾಗಲು ಇರುವ ಅಗತ್ಯ ಅರ್ಹತೆಗಳು ಮತ್ತು ಪಾಲಿಸಿಗಳ ಇತರ ಷರತ್ತುಗಳು ಹಾಗೂ ಉತ್ತರ ಪತ್ರಿಕೆಗಳ ಮೌಲ್ಯಮಾಪನ ಮತ್ತು ಪುನರ್ ಮೌಲ್ಯಮಾಪನ ಮಾಡುವ ಪದ್ಧತಿ;

(xxxiii) ವಿಶೇಷ ರಾತ್ರಿ ಶಾಲೆಗಳನ್ನು ಪ್ರಾರಂಭಿಸುವುದು ಮತ್ತು ಅವುಗಳ ಕಾರ್ಯನಿರ್ವಹಣೆಗಾಗಿ ಷರತ್ತುಗಳು ಮತ್ತು ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಭಾಷಾ ಅಲ್ಪಸಂಖ್ಯಾತರಿಗಾಗಿ ಅದೇ ರೀತಿಯ ವಿಭಾಗಗಳನ್ನು ಇಲ್ಲವೇ ತರಗತಿಗಳನ್ನು ಪ್ರಾರಂಭಿಸುವುದು;

(xxxiv) ತರಗತಿಗಳನ್ನು ಮತ್ತು ನಿಯತಕಾಲಗಳಲ್ಲಿ ಪರೀಕ್ಷೆಗಳನ್ನು ನಡೆಸುವ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿಗಳನ್ನು ಮೇಲಿನ ತರಗತಿಗಳಿಗೆ ಬಡತಿ ನೀಡುವ ವಿಧಾನ;

(xxxv) ಯಾವ ಷರತ್ತುಗಳಿಂದ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಸಾರ್ವಜನಿಕರಿಂದ ದಾನವನ್ನು ಅಥವಾ ವಂತಿಗೆಗಳನ್ನು ಸ್ವೀಕರಿಸಬಹುದು ಮತ್ತು ಸಂಸ್ಥೆಗಳಿಗೆ ಹೆಸರಿಡುವುದು;

(xxxvi) ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಸಹ ಶಿಕ್ಷಣ ನಡೆಸುವ ಬಗ್ಗೆ ಷರತ್ತುಗಳು ಹಾಗೂ ವಿದ್ಯಾರ್ಥಿಗಳಲ್ಲಿ ನಡವಳಿಕೆ ಮತ್ತು ಶಿಸ್ತುಪಾಲನೆಯನ್ನು ನಿಯಂತ್ರಿಸುವುದು ಹಾಗೂ ದುರ್ನಡತೆಗಾಗಿ ಅಥವಾ ಅಶಿಸ್ತುಗಾಗಿ ದಂಡನೆ;

(xxxvii) ನೋಟೀಸುಗಳನ್ನು ಆದೇಶಗಳನ್ನು ಮತ್ತು ಇತರ ವ್ಯವಹರಣೆಗಳನ್ನು ಜಾರಿಗೊಳಿಸುವ ರೀತಿ, ಪುನರವಲೋಕನ ಅಥವಾ ಪುನರಿಕ್ಷಣೆಗಾಗಿ ಅಪೀಲುಗಳನ್ನು ಅಥವಾ ಅರ್ಜಿಗಳನ್ನು ಸಲ್ಲಿಸುವುದು ಮತ್ತು ಅವುಗಳನ್ನು ವ್ಯವಹರಿಸುವ ಕಾರ್ಯ ವಿಧಾನ ಮತ್ತು ಆ ಸಂಬಂಧವಾದ ಫೀಜು;

(xxxviii) ಯಾವ ಪ್ರಮಾಣಪತ್ರದ ಅನುಮತಿಯ, ಅಂಕಪಟ್ಟಿಯ ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜಿನ

ಸಂಬಂಧದಲ್ಲಿ ಫೀಜುಗಳನ್ನು ಅಥವಾ ಚಾರ್ಜುಗಳನ್ನು ವಸೂಲು ಮಾಡಬಹುದೋ ಅವುಗಳ ಬಗ್ಗೆ ಸಂದಾಯವಾಗತಕ್ಕ ಫೀಜುಗಳ ಮತ್ತು ಚಾರ್ಜುಗಳ ಶ್ರೇಣಿ ಮತ್ತು ಅವುಗಳನ್ನು ನಿಗದಿಪಡಿಸುವ ರೀತಿ ;

(xxxix) ವಿದ್ಯಾರ್ಥಿ ಸಂಘಗಳಿಗೆ ಅಥವಾ ಒಕ್ಕೂಟಗಳಿಗೆ ಚುನಾವಣೆಗಳು :

(xi) ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸಬೇಕೆಂದು ಸ್ಪಷ್ಟವಾಗಿ ಅಗತ್ಯಪಡಿಸಲಾದ ಅಥವಾ ಅನುಮತಿಸಬಹುದಾದ ಅಥವಾ ಯಾವುದಕ್ಕೆ ಈ ಅಧಿನಿಯಮವು ಯಾವುದೇ ಉಪಬಂಧ ರಚಿಸದಿರುವುದಕ್ಕೆ ಅಥವಾ ಸಾಕಷ್ಟು ಅಲ್ಲದ ಉಪಬಂಧವನ್ನು ರಚಿಸಿರುವುದಕ್ಕೆ ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಯುಕ್ತವಾದ ಜಾರಿಗೆ ಅವಶ್ಯವೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಭಿಪ್ರಾಯಪಡುವಂಥ ಉಪಬಂಧಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲ ವಿಷಯಗಳು.

(3) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಪೂರ್ವಾಸ್ವಯವಾಗಿ ಯಾವುದೇ ನಿಯಮವನ್ನು ರಚಿಸಬಹುದು ; ಮತ್ತು ಅಂಥ ನಿಯಮವನ್ನು ರಚಿಸಿದಾಗ ನಿಯಮವನ್ನು ರಚಿಸುವ ಬಗ್ಗೆ ಇರುವ ಕಾರಣಗಳನ್ನು ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದ ಉಭಯ ಸದನಗಳ ಮುಂದೆ ಮಂಡಿಸತಕ್ಕ ವಿವರಣೆಯಲ್ಲಿ ಸ್ಪಷ್ಟಪಡಿಸತಕ್ಕದ್ದು.

(4) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಹೊರಡಿಸಿದ ಪ್ರತಿಯೊಂದು ಅಧಿಸೂಚನೆಯನ್ನು ಮತ್ತು ರಚಿಸಿದ ಪ್ರತಿಯೊಂದು ನಿಯಮವನ್ನು ಅದನ್ನು ಹೊರಡಿಸಿದ ಅಥವಾ ರಚಿಸಿದ ತರುವಾಯ ಅದಷ್ಟು ಬೇಗನೆ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದ ಉಭಯ ಸದನಗಳ ಮುಂದೆ ಅದು ಅಧಿವೇಶನದಲ್ಲಿರುವಾಗ ಮತ್ತು ಅದು ಅಧಿವೇಶನದಲ್ಲಿ ಇಲ್ಲದಿದ್ದರೂ ಅಧಿವೇಶನದ ತರುವಾಯ ಅದರ ನಿಕಟ ತರುವಾಯ ಬರುವ ಒಂದು ಅಥವಾ ಎರಡು ಅಧಿವೇಶನಗಳಲ್ಲಿ ಅಡಕಗೊಳ್ಳಬಹುದಾದ ಒಟ್ಟು ಹದಿನಾಲ್ಕು ದಿವಸಗಳ ಅವಧಿಯವರೆಗೆ ಇಡತಕ್ಕದ್ದು ಮತ್ತು ಹಾಗೆ ಇರಿಸಲಾದ ಅಧಿವೇಶನದ ಅಥವಾ ನಿಕಟ ತರುವಾಯದ ಅಧಿವೇಶನದ ಮುಕ್ತಾಯಕ್ಕೆ ಮುಂಚೆ ಆ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ಅಥವಾ ನಿಯಮದಲ್ಲಿ ಅಥವಾ ಅಧಿಸೂಚನೆ ಅಥವಾ ನಿಯಮದ ರದ್ದಿಯಾತಿಯಲ್ಲಿ ಯಾವುದೇ ಮಾರ್ಪಾಟನ್ನು ಮಾಡಬೇಕೆಂದು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ ಅನಂತರ ಆ ಅಧಿಸೂಚನೆಯು ಅಥವಾ ನಿಯಮವು, ಆ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯ ಅಧಿಸೂಚನೆಯ ದಿನಾಂಕದಿಂದ ಸಂದರ್ಭಾನುಸಾರ ಅಂಥ ಮಾರ್ಪಾಟು ಹೊಂದಿದ ರೂಪದಲ್ಲಿ ಮಾತ್ರ ಪರಿಣಾಮಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು ಅಥವಾ ರದ್ದಾಗತಕ್ಕದ್ದು. ಆದರೆ ಅಂಥ ಯಾವುದೇ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯು ಆ ಅಧಿಸೂಚನೆಯು ಅಥವಾ ನಿಯಮದ ಮೇರೆಗೆ ಆ ಹಿಂದೆ ಮಾಡಲಾದ ಯಾವುದೇ ಕಾರ್ಯದ ಸಿಂಧುತ್ವಕ್ಕೆ ಬಾಧಕವಾಗತಕ್ಕದ್ದಲ್ಲ.

146. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು : - ಕರ್ನಾಟಕ ಕಡ್ಡಾಯ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣ ಅಧಿನಿಯಮ, 1961, (1961ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 9) ಮತ್ತು ಕರ್ನಾಟಕ ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳ (ಶಿಸ್ತು ಮತ್ತು ನಿಯಂತ್ರಣ) ಅಧಿನಿಯಮ, 1975 (1975ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 10), ಇವು ಈ ಮೂಲಕ ನಿರಸಿತವಾಗಿವೆ.

(3) ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಯಾವ ವಿಷಯಗಳ ಮುನ್ನಡೆಗಾಗಿ ಈ ಅಧಿನಿಯಮವನ್ನು ಅಧಿನಿಯಮಿಸಲಾಗಿದೆಯೋ ಆ ಯಾವುದೇ ವಿಷಯಗಳ ಬಗ್ಗೆ ಉಪಬಂಧಿಸುವ ಅಥವಾ ಅವುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭಕ್ಕೆ ಮೊದಲು ರಚಿಸಿದ್ದು ಅಥವಾ ಹೊರಡಿಸಿದ್ದು ಮತ್ತು ಅಂಥ

ಪ್ರಾರಂಭದ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿರುವ, ಎಲ್ಲ ನಿಯಮಗಳು, ಆದೇಶಗಳು, ಅಧಿಸೂಚನೆಗಳು, ಸಹಾಯಾನುದಾನ ಸಂಹಿತೆಗಳು, ನೇಮಕಗಳು, ಯೋಜನೆಗಳು, ಉಪವಿಧಿಗಳು, ವಿನಿಯಮಗಳು, ಅಧಿಕೃತ ಜ್ಞಾಪನ ಪತ್ರಗಳು, ಸುತ್ತೋಲೆಗಳು ಅಥವಾ ಯಾವುದೇ ಇತರ ಆದೇಶಗಳು, ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಮಾಡಿದ ಯಾವುದೇ ಕಾರ್ಯದ ಅಥವಾ ಕೈಕೊಂಡ ಕ್ರಮದ ಮೂಲಕ ಅಥವಾ ರಚಿಸಿದ ಅಥವಾ ಹೊರಡಿಸಿದ ಅಧಿಸೂಚನೆಯ, ಸಹಾಯಾನುದಾನದ ಸಂಹಿತೆಯ, ನಿಯಮದ, ಆದೇಶದ, ನೇಮಕದ, ಯೋಜನೆಯ, ಉಪವಿಧಿಯ, ವಿನಿಯಮನದ, ಅಧಿಕೃತ ಜ್ಞಾಪನ ಪತ್ರದ ಸುತ್ತೋಲೆಯ ಅಥವಾ ಯಾವುದೇ ಇತರ ಆದೇಶದ ಮೂಲಕ ರದ್ದಾದ ಹೊರತು ಮತ್ತು ಅವರೆಗೆ ಈ ಅಧಿನಿಯಮದ ಸಂವಾದಿ ಉಪಬಂಧಗಳ ಮೇರೆಗೆ ರಚಿಸಲಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಜಾರಿಯಲ್ಲಿರುವುದು ಮುಂದುವರಿಯತಕ್ಕದ್ದು ಮತ್ತು ಪರಿಣಾಮಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು.

ಅನುಸೂಚಿ - I

ಕರ್ನಾಟಕ ಪ್ರೌಢ ಶಿಕ್ಷಣ ಪರಿಷ್ಕಾ ಮಂಡಲಿಯ ಅಧಿನಿಯಮ, 1966

1966ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 16ರ ತಿದ್ದುಪಡಿ - ಕರ್ನಾಟಕ ಪ್ರೌಢ ಶಿಕ್ಷಣ ಪರಿಷ್ಕಾ ಮಂಡಲಿ ಅಧಿನಿಯಮ, 1966 (1966ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 16)ರಲ್ಲಿ -

(1) 2ನೇ ಪ್ರಕರಣದ (ಡಿ) ಖಂಡದ ನಂತರ ಕೆಳಕಂಡವುಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು :-

(ಡಿಎ) 'ನಿರ್ದೇಶಕ' ಎಂದರೆ ಮಂಡಲಿಯ ನಿರ್ದೇಶಕರು;

(2) 4ನೇ ಪ್ರಕರಣದಲ್ಲಿ -

(ಎ) (1)ನೇ ಉಪಪ್ರಕರಣದ ಕೊನೆಯಲ್ಲಿ ಈ ಕೆಳಕಂಡವುಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು - "ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಆಯುಕ್ತನು, ಮಂಡಲಿಯ ಪದವಿಮಿತ್ತ ಅಧ್ಯಕ್ಷನಾಗಿರತಕ್ಕದ್ದು";

(ಬಿ) (2)ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಬರುವ "ಅಧ್ಯಕ್ಷ" ಮತ್ತು "ಜಂಟಿ ನಿರ್ದೇಶಕ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ನಿರ್ದೇಶಕ" ಮತ್ತು "ಅಡಿಷನಲ್ ನಿರ್ದೇಶಕ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಸಿ) (3)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ, "ಪ್ರೌಢ ಶಿಕ್ಷಣ ಪ್ರಭಾರದಲ್ಲಿರುವ, ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಜಂಟಿ ನಿರ್ದೇಶಕ", ಎಂಬ ಪದಗಳಿಗೆ "ನಿರ್ದೇಶಕ" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

(ಡಿ) (4) ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ -

(i) (ಡಿ) ಖಂಡದ ತರುವಾಯ ಈ ಕೆಳಕಂಡ ಖಂಡವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ :-

(ಡಿಎ) "ಪಠ್ಯ ಪುಸ್ತಕಗಳ ನಿರ್ದೇಶಕ ಅಥವಾ ಅವನ ನಾಮನಿರ್ದೇಶಿತ";

(ii) (ಇ) ಖಂಡದಲ್ಲಿ ಬರುವ 'ಏಳು' ಎಂಬ ಪದದ ಬದಲಾಗಿ 'ಎಂಟು' ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು ಮತ್ತು "ಸಂಸ್ಕೃತ ಶಿಕ್ಷಣ" ಎಂಬ ಪದಗಳ ತರುವಾಯ ಒಂದು ಅಲ್ಪವಿರಾಮ ಮತ್ತು "ರಾಜ್ಯ ಶಿಕ್ಷಣ ಘಟಕ" ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು;

(3) 17ನೇ ಪ್ರಕರಣದ (2), (3) ಮತ್ತು (4) ನೇ ಉಪಪ್ರಕರಣಗಳಲ್ಲಿ, 18ನೇ ಪ್ರಕರಣದಲ್ಲಿ,

19ನೇ ಪ್ರಕರಣದಲ್ಲಿ, 20, 21 ಹಾಗೂ 38 - ಈ ಪ್ರಕರಣಗಳಲ್ಲಿ 'ಅಧ್ಯಕ್ಷ' ಎಂಬ ಪದವು ಬರುವಲ್ಲೆಲ್ಲಾ 'ನಿರ್ದೇಶಕ' ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದು ;

(4) 17ನೇ ಪ್ರಕರಣದ (4)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಬರುವ "ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕರು" ಎಂಬ ಪದಗಳಿಗೆ ಬದಲಾಗಿ "ಅಧ್ಯಕ್ಷ" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದು ; ಮತ್ತು

(5) 36, 37 ಮತ್ತು 38 ಈ ಪ್ರಕರಣಗಳಲ್ಲಿ ಬರುವ "ಉಪಾಧ್ಯಕ್ಷರು" ಎಂಬ ಪದಕ್ಕೆ ಬದಲಾಗಿ "ನಿರ್ದೇಶಕ" ಅಥವಾ "ಉಪಾಧ್ಯಕ್ಷರು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದು.

ಅನುಸೂಚಿ - II

1. ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದ ಅಧಿನಿಯಮದ ಮೂಲಕ ಸ್ಥಾಪಿಸಲಾದ ಯಾವುದೇ ವಿಶ್ವವಿದ್ಯಾನಿಲಯದ ಪ್ರಾಧಿಕಾರದ ಮೂಲಕ ಅಥವಾ ಅದರ ಮೇರೆಗೆ ನಡೆಸುವ ಯಾವುದೇ ಪರೀಕ್ಷೆ.
2. ಕರ್ನಾಟಕ ಪ್ರೌಢ ಶಿಕ್ಷಣ ಮಂಡಲಿಯ ಪ್ರಾಧಿಕಾರದ ಮೂಲಕ ಅಥವಾ ಮೇರೆಗೆ ನಡೆಸುವ ಯಾವುದೇ ಪರೀಕ್ಷೆ.
3. ಕರ್ನಾಟಕ ರಾಜ್ಯ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಮಂಡಲಿಯು ನಡೆಸುವ ಯಾವುದೇ ಪರೀಕ್ಷೆ.
4. ಕರ್ನಾಟಕ ಪದವಿ ಪೂರ್ವ ಶಿಕ್ಷಣ ಮಂಡಲಿಯು ನಡೆಸುವ ಯಾವುದೇ ಪರೀಕ್ಷೆ.
5. ವೃತ್ತಿ ಶಿಕ್ಷಣ ರಾಜ್ಯ ಪರಿಷತ್ತು ನಡೆಸುವ ಯಾವುದೇ ಪರೀಕ್ಷೆ

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಬಿ. ಎಂ. ಮಲ್ಲಿಕಾರ್ಜುನ

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ ಹಾಗೂ ಪ್ರಾರೋಪಣಕಾರರು,
ಕಾನೂನು ಮತ್ತು ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

The above translation of the Karnataka Education Act, 1983. (Karnataka Act No. 1 of 1995) be published in the Official Gazette under clause (i) of section 5A of the Karnataka Official Language Act, 1963.

V.S. RAMA DEVI
Governor of Karnataka

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಅಜ್ಞಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಮ.ರಾ. ಹೆಗಡೆ

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ