THE KARNATAKA EDUCATION ACT, 1983

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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.

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.)

III

Amending Act 13 of 2003.- It is considered necessary to prepare upto date Codal Volumes of the Karnataka Acts and to repeal all the spent Acts and amendment Acts from time to time.

The Government constituted One-man Committee for the above purpose. The Committee has reviewed the Karnataka Acts for the period from 1.1.1956 to 31.12.2000 and has proposed the "Repealing and Amending Bill, 2002" which seeks to repeal the following types of Acts,-

(i) Acts which amended the Karnataka Acts whether they are now in force or not;

(ii) Acts which amended regional Acts which are no longer in force;

(iii) Appropriation Acts as they are spent Acts;

(iv) Acts which have been struck down or by necessary implication struck down by the Courts;

(v)Acts which are by implication repealed by Central Acts; (vi) Acts which are temporary and spent enactments; and

(vii) Acts which amend the Central Acts and regional Acts which are in force.

The Bill does not include Acts which are already repealed expressly.

This Bill also seeks to amend certain Acts which are considered necessary.

Hence the Bill.

[L.C. Bill No. 4 of 2002]

[Various entries of List II and III of the Seventh Schedule]

IV

Amending Act 04 of 2015.- The State Government has admitted several Private Educational Institutions for grant in aid to improve the standard of education and reduce the burden of management by giving salary grant to teaching and non-teaching staff.

Whereas no departmental examinations or Kannada language examinations were prescribed for employees in educational institutions receiving maintenance grant from State Government.

Whereas the teaching staff in private management institutions admitted to grant-in-aid, claim extension of benefit of one increment for having passed SSLC examination with Kannada as a language or Kannada Language Examination, on par with the pay and emoluments of Government servants is upheld in W.P Nos.13715/2006 c/w W.P Nos. 17236/2008 and 10111-10681/2009 dated 30.06.2009 and Writ Appeal No. 4255/2009 and 4556-5155/2009 dated 25.03.2010. Accordingly Government has issued order No.ED 302 PMC 2006, dated 25.03.2011.

Whereas the Government order dated 25.03.2011 was challenged in W.P No. 19846-20413/2012. The Hon'ble High Court of Karnataka allowed the said petition on 10.08.2012, with directions to keep in view the service particulars of the petitioners herein and calculate the additional increment payable to the petitioners as has been done in the case of teaching and non-teaching staff working in Government schools, who are similarly placed.

Whereas the state filed appeals against the order dated 10.08.2012 made in W.P Nos.19846-20413/2012, in Writ Appeal No. 2779 and 4868-5434/2013. The Hon'ble High Court has dismissed the said appeals on 28.08.2013.

And, whereas the state of Karnataka preferred the appeal in the Hon'ble Supreme Court in Special Leave Petition No. 38205-38772/2013.

Whereas C.C.C.No. 648/2013 was filed before the Hon'ble High Court to implement the decision of Judgment delivered in W.P.No.19846-20413/2012 dated 10.08.2012. The petition was allowed by giving 15 days time to implement the said orders. Since, Service examination or Kannada Language Examination is not made obligatory for aided school employees, there appears no justification in sanction of additional increment for having passed service or Kannada Language examination to aided institution employees. Government had never contemplated this at any point of time. However, Government has issued order No. ED 286 PMC 2013, dated 11.11.2013 implementing the order dated: 10.08.2012 of the Hon'ble High Court, subject to the Order of the Hon'ble Supreme Court in S.L.P. Nos. 38205-38772/2013 which resulted in huge financial implication on the consolidated fund of the State.

The above said Special Leave Petition Nos. 38205-38772/2013 were dismissed on 06.01.2014.

Now therefore, it is considered necessary to review the matter and since no Service examinations or Kannada Language Examination has been prescribed for the employees of aided Educational Institutions the Government decided not to extend the additional increment payable to the

employees working in aided educational institutions as has been done in the

case of employees working in Government Schools.

As the matter was urgent and both houses of the Karnataka State Legislature were not in session, the Karnataka Education (Amendment) ordinance, 2014 (Karnataka ordinance 1 of 2014) was promulgated on 31.10.2014.

This Bill seeks to replace the said ordinance.

Hence the Bill.

[L.A. Bill No. 57 of 2014, File No. Samvyashae 41 Shasana 2014]

[entry 41 of List II and 25 of list III of the Seventh Schedule to the Constitution of India.]

V

Amending Act 18 of 2017.- With an object to stop leakage of question papers during examination and to eradicate malpractices by the students and others during examination or evaluation, a committee headed by Additional Chief Secretary to Government has recommended to strengthen the provisions of the Karnataka Education Act, 1983 to prevent malpractices. Therefore, it is considered necessary further to amend the said Act to provide for,-

(a) expansion of the term "malpractice";

(b) definition of the term "question paper";

(c) prohibition of malpractice;

(d) prohibition of leakage of question paper and penalties thereto; (e) enhancement of certain penalties;

(f) empowering the examination Board or Department or Authority to debar students and to recommend for suspension or withdrawal of recognition of such Education institutions indulge in malpractices; and

(g) certain consequential amendments are also proposed.

Hence, the Bill.

[L.A. Bill No.3 of 2017, File No. Samvyashae 06 Shasana 2017]

[entry 25 of List III of the Seventh Schedule to the Constitution of India.]

VI

Amending Act 25 of 2017.- It is considered necessary further to amend the Karnataka Education Act, 1983 (Karnataka Act 01 of 1995) to,-

(1) exempt Educational Institutions affiliated to or recognized by the Council of Indian School Certificate Examination or Central Board of Secondary Education, subject to condition that the provisions of section 5A, 48, 112A and 124A of this Act shall continue to apply to these institutions;

(2) define District Education Regulatory Authority;

(3) make provisions to ensure safety and security of students including protection from sexual offences, by the every Education Institution and employee;

(4) provide penalty for contravention of the provisions of sections 5A, 48, 88, 89 and 90;

(5) certain consequential amendments are also proposed.

Hence, the Bill.

[L.A. Bill No. 18 of 2017, File No. Samvyashae 21 Shasana 2017] [entry 25 of List III of the Seventh Schedule to the Constitutionof India.]

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 venth day of

October 1993)

(As amended by Act 8 of 1998, 13 of 2003, 04 of 2015 ,18 of 2017 and 25 of 2017)

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 Agricultural Sciences Act, 1963 (Karnataka Act 22 of 1963);

3[2[(iiia) Educational Institutions affiliated to or recognized by the Council of Indian School Certificate Examination or Central Board of Secondary Education respectively but subject to condition that the provisions of section 5A, 48, 112A and 124A of this Act shall continue to apply to these institutions.]2]3

(iv) in so far as the matters pertaining to colleges and institutions are dealt within,-

(a) the Indian Medical Council Act, 1956 (Central Act, CII of 1956);

(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, 1976 (karnataka Act 28 of 1976);

2[(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);]2

(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 class uch 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.

1. Act came into force w.e.f. 1-6-1995 by notification. Text of the notification is at the end of Act. Inserted
2. by Act 8 of 1998 w.e.f. 11-4-1998.
3. Substituted by Act 25 of 2017 w.e.f. 22.04.2017.

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 the Government for purposes as the case may be, of clause (4) of Article 15 or clause (4) of article 16 of the Constitution of India;

(6) 'child' means a boy or girl within such age group not being less than six years or more than fourteen years at the beginning of the academic year as the State Government may specify for the purposes of this Act either generally or with respect 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 Act for such area or for such purposes or for such classes of 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 imparting commerce education and presenting students for examinations conducted by the Karnataka Secondary Education Examination Board;

(10) "district" means revenue district;

(11) "District Education Officer" means an Officer appointed as such to be incharge of the administration of the primary education in a district or part of a district;

[2][(11A) "District Education Regulatory Authority" means an authority constituted under the Chairmanship of the Deputy Commissioner of a district with composition, role, functions and powers as may be prescribed by rules.][2]

(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 governing 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 such institution, includes the managing committee of each such institution;

(20) "medical education" includes education in modern scientific medicine, in all its branches, Ayurvedic system of medicine, Unani system of medicine, integrated system of 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 Constitution 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 such 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 te e

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]

(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 authority' 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 such 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.

1. Inserted by Act 8 of 1998 w.e.f. 11.4.1998.
2. Inserted by Act 25 of 2017.w.e.f.22.04.2017.

3. Regulation of education.- (1) The State Government may, subjectto 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) recognise 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 any 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 classes 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.

[1][**5A. Safety and security of students.-** Every educational institution and an employee of such educational institutions shall take such measures to ensure safety and security of students including protection from sexual offences, in the manner as may be prescribed.][1]

1. Inserted by Act 25 of 2017 w.e.f. 22.04.2017.

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 arrangments, 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 ideals 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 carriculum development and teacher education to help children attain the required level of achivement 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 eduction as may be prescribed so as to make the pupil fit either for higher academic 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 shallconstitute 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 other manner as the State Government may decide;

(b) 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.

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 be 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 agegroup 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 of 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 any 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 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 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 of 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 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; and

(h) such other circumstances as may be prescribed.

16. 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 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 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 f 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,-

[1][(a) “answer script” in relation to any examination means material or medium supplied or facilitated by the competent authority for the candidates to record their answers in the manner prescribed, and such material or medium either before or after recording of the answers by the candidates shall be property of the competent authority.][1]

[2][(aa)][2] "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;

[3][(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 practical examination, and

includes question paper setting and printing, custody and transportation of question papers and answer scripts, invigilation, evaluation, tabulation, publication of results and all other matters connected therewith.][3]

(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

[3][(d) "malpractice" in relation to any examination means any illegal or unauthorized act committed by a person individually or in collusion with any other person before, during or after examination hours by taking or giving or attempting to take or give any help from or to any person or from any material, written, recorded, typed, photographed or printed or transmitted from any person, in any form whatsoever in order to obtain undeserved marks or grades or to place one or more candidates at an unfair advantage or disadvantage.

(e) "Question paper" in relation to any examination means a set of questions related with specified topics of prescribed syllabus and intended to be used at any examination, and which shall be property of the competent authority.][3]

1. Inserted by Act 18 of 2017 w.e.f.06.04.2017.
2. Clause (a) renumbered as clause (aa) by Act 18 of 2017 w.e.f. 06.04.2017.
3. Substituted by Act 18 of 2017 w.e.f. 06.04.2017.

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 any 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 withthe instructions given to him in writing by the authority which entrusted the custody or give possession thereof to him.

[1][(d) who is entrusted with evaluation of answer scripts or supervision of the evaluation shall intentionally or knowingly carry out the evaluation or supervision in contravention of the scheme of evaluation specified by the competent authority.

(e) who is entrusted with custody and transportation of answer scripts shall intentionally or knowingly cause or facilitate damage or unauthorized access to or tampering of the answer scripts.][1]

1. Inserted by Act 18 of 2017 w.e.f.06.04.2017.

24. Prohibition of copying at examination, etc.- (1) No 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 such person from taking such assistance from books or materials as is permissible under the rules governing such examination.

[1][**24A. Prohibition of leakage of question paper.-** No person shall, during or after question paper setting, printing of question paper, custody and transportation of question papers either before or during examination cause leakage of question paper or indulge in malpractice by,-

(i) buying, selling or procuring or attempting to do so or otherwise dealing with any question paper intended for use at any examination; or

(ii) possessing or procuring or inducing any other person to deliver him or any other person any question paper or attempting to do so intended for use at any examination.

Explanation.- For the purpose of this clause "Leakage of a question paper" includes any of the following process carried out or attempting to carry out without approval of the competent authority, namely:-

(a) Printing;
(b) Photocopying;
(c) Photographing;
(d) Writing by hand or in brail form; or
(e) Communicating, sending or transmitting any text, video, audio or image through any communication device or computer network as defined in the Information Technology Act, 2000 (Central Act 21 of 2000).][1]

1. Inserted by Act 18 of 2017 w.e.f.06.04.2017.

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 centre, 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 knowing

(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 contained 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 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 or 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 deems necessary, obtain and consider a report on the need for such institution from the expert body constituted under section 37 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 the institution if the conditions prescribed or specified for registration have been fulfilled within such period and issue a certificate in 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 institution registered under this section shall give intimation to the registering authority of any change in any of the particulars furnished under sub-section (1) or of closure of the institution, 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

34. Cancellation of registration.- (1) Where it appears to the registering authority that in respect of any private educational institution or a local authority institution,-

(a) any condition for registration prescribed or specified 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 the 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 the 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 the registration certificate is issued, the registering authority may, after giving the person or body of persons an opportunity of making a representation, cancel the registration certificate and 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 be 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 the 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 to 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 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 writting 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 type 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 matters 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 arbitrarily terminates the services of a teacher or fails to comply with the orders of the 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 shallbe 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,- 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

(a) 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 institutions 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*, include,-

(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 were a newly started institution.

42. Managing Committee.- (1) Every recognised private educational institution shall have a Managing Committee by whatever name called the Managing Committee shall be reconstituted once in two years.

(2) 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, brothers 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 of the University concerned, required by or under any law for the time being in force.

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

(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; to appoint teachers and other employees of the private educational institutions except the head;

(b) to take disciplinary action against the teachers and other employees except the head of the institution;

(c) to supervise and control the employees of the institution; and

(d) 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 therefrom. 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 a n 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 such 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; is guilty of falsification of registers or mis-use of funds for purposes other than those for which they are collected;

(v) 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

(vi) 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 when 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 everyprivate 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 sub-section (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 condition of such institution or of any other matter connected with the 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 to 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 have the following powers, namely:-

(a) he shall, at all reasonable times have access to 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 at any place as he may direct;

(b) he may summon any person who, he has reason to believe has any knowledge as to the affairs of the educational institution to appear before him and may examine such person on oath.

(4)The State Government or the competent authority shall communicate to the educational agency the views of such 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 the Government for use for the purposes of any educational institution, then notwithstanding anything to the contrary in any other law for the time being in force or in any deed of transfer or other document relating to the land or building, it shall not be transferred without the permission of the State Government under sub-section (2) nor shall the land or building be used for 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 of 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 in 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) or 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 of the grant referred to in 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) 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 land together with the building standing thereon as the case may be, or at their option, direct the Governing Council to pay to it in 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 property in 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 of an order under section 61, the Deputy Commissioner takes 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 the 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 or 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 therein 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]

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.

(2) The educational institution referred to in sub-section (1) shall be deemed to include all assets, rights and lease holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, stores instruments and vehicles, 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 managment of the educational institution vested immediately before the taking over shall, as form 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 sub-section (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 of 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 trusts 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.

[1][**67A. 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.][1]

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

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.

(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 sub-section (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 pu s 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 conspicious 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:

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

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 agre t 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 artibrations 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

(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 arbi is 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 Govern ment 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 centres 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 rights as regards disciplinary matters) of the employees in recognised private educational institutions: Provided that the minimum qualifications for recruitment, age of recruitment, and retirement [1][xxx][1] 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.

1. Omitted bye Act, 4 of 2015 w.e.f 01.06.1995.

[1][Provided further that conditions of service of the employees working in aided educational institutions shall be as such as may be determined by the State Government from time to time.

Provided also that since 1974 no employee of the aided institution is required to appear and pass any Service Examination or the Kannada Language Examination as prescribed in the Karnataka Civil Service (Service and Kannada Language Examination) Rules, 1974 and no such employee shall be eligible for or be granted any additional increment for having passed or deemed to have been passed said examination from the date of commencement of said rules.][1]

1. Inserted bye Act, 4 of 2015 w.e.f 01.06.1995.

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 o

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 privateeducational 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. 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

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 sub-section (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 relatable 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. 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.

(2) The Secretary to Government in the Education department shall be the member-secretary.

(3) 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.

(4) 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

[1][**112A. Penalty for contravention of section 5A.-** (1) Any employee or member of the management of an educational institution who contravenes section 5A shall on conviction, be punished with imprisonment for a minimum term of six months and with a fine which may extend to one lakh rupees.

(2) Whenever any educational institution is found to be in contravention of section 5A in an enquiry conducted, after giving an opportunity of being heard, by the District Education Regulatory Authority, it shall impose a penalty which may extend to ten lakh rupees.

(3) The District Education Regulatory Authority after such enquiry has found that any educational institution has contravened the provisions of section 5A shall also recommend to the competent authority or concerned authority for withdrawal of recognition or affiliation to such institution.][1]

1. Inserted by Act 25 of 2017 w.e.f. 22.04.2017.

113. Penalty for contravention of section 17.- (1) If any person fails to furnish any information as required by sub-section (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.

[1][**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 and with a fine which may extend to one lakh rupees.

115A. Penalty for contravention of section 24A.- Any person who contravenes the provisions of section 24A shall on conviction, be punished with imprisonment for a term of minimum three years for first offence and minimum five years for second or subsequent offence and with a minimum fine of five lakhs rupees in either instance.][1]

1. Substituted by Act 18 of 2017 w.e.f.06.04.2017.

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 extent 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 [1][ten thousand rupees][1] or with both.

1. Substituted by Act 18 of 2017 w.e.f.06.04.2017.

119. Punishment for loitering, etc., near an examination centre.- 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.

[1]**[121A. Power of the Board or Department or Authority.-**Notwithstanding anything contained in this Act, Board or Department or Competent Authority conducting examination shall have the power to,- (i) Withhold, suspend or cancel the result of a candidate or debar a candidate from taking its examination for up to three years if it is satisfied that the candidate has engaged in leakage of question paper or mass copying after giving the candidate an opportunity of being heard;

(ii) recommend for suspension or withdrawal of recognition of an educational institution or an examination centre for upto three years, if it is satisfied that the educational institution or the examination centre is involved in leakage of question paper or mass copying after giving the concerned educational institution or the examination centre an opportunity of being heard.][1]

1. Inserted by Act 18 of 2017 w.e.f.06.04.2017.

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 [1][ten thousand rupees][1] or with both

1. Substituted by Act 18 of 2017 w.e.f.06.04.2017.

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. 0Penalty 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.

1[**124A. Penalty for contravention of section 48.-** Any educational institution is found guilty of contravention of provisions of section 48 in an enquiry conducted, after providing an opportunity of being heard, by the District Education Regulatory Authority, it shall impose a penalty which may extend to ten lakh rupees and also direct for refund of amount so collected by the institution in excess of the amount prescribed under section 48.]1

1. Inserted by Act 25 of 2017 w.e.f.22.04.2017.

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.

1[**125A. Penalty for contravention of section 88, 89 and 90.-** Any educational institution is found guilty of contravention of either of sections 88, 89 and 90 in an enquiry conducted, after giving an opportunity of being heard, by District Education Regulatory Authority, it shall impose a penalty which may extend to five lakh rupees.]1

1. Inserted by Act 25 of 2017 w.e.f.22.04.2017.

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.- Ifthe 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 (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 suchrank 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 sub-section (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 thisAct 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; the distance beyond which a child cannot be compelled to attend an approved school;

(viii) the manner in which any enquiry under this Act shall be passed;
(ix) the

form in which an attendance order under this Act shall be held;

(x) the registers, statements, reports, returns, budgets and other information to be maintained or furnished by approved schools for the purpose of this Act;

(xi) 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;

(xii) the establishment or maintenance and administration of educational institutions;

(xiii) the grant of registration or recognition to educational institutions and the conditions therefor;

(xiv) the period and the manner for applying for registration of institutions;

(xv) the form of the register maintained for registration of educational institutions and tutorial institutions and of the registration certificate;

(xvi) the manner of submission of the report of the expert body; (xvii) the conditions for recognition of existing institutions and the procedure therefor;

(xviii) regulating the rates of fees, the levy and collection of fees in educational institutions;

(xix) the manner in which accounts, registers, records and other documents shall be maintained in the educational institutions and the authority responsible for such maintenance;

(xx) the submission of returns, statements, reports and accounts by managements or owners of properties of educational or tutorial institutions;

(xxi)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 an titution; (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 inforce 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 1[and section 21]1, 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.

1. Substituted for section 21 and section 38 by Act No. 13 of 2003 we.f. 1.6.1995

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 Borad.

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.)

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KARNATAKA ACT NO. 04 OF 2015

(First Published in the Karnataka Gazette Extra-ordinary on the Ninth day of January, 2015)

THE KARNATAKA EDUCATION (AMENDMENT) ACT, 2014

(Received the assent of the Governor on the Seventh day of January, 2015) An Act further to amend the Karnataka Education Act, 1983

Whereas it is expedient further to amend the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) for the purposes hereinafter appearing; Whereas the State Government has admitted several Private Educational Institutions for grant in aid to improve the standard of education and reduce the burden of management by giving salary grant to teaching and non-teaching staff.

Whereas no departmental examinations or Kannada language examinations were prescribed for employees in educational institutions receiving maintenance grant from State Government.

Whereas the teaching staff in private management institutions admitted to grant-in-aid, claim extension of benefit of one increment for having passed SSLC examination with Kannada as a language or Kannada Language Examination, on par with the pay and emoluments of Government servants is upheld in W.P Nos.13715/2006 c/w W.P Nos. 17236/2008 and 10111-10681/2009 dated 30.06.2009 and Writ Appeal No. 4255/2009 and 4556-5155/2009 dated 25.03.2010. Accordingly Government has issued order No.ED 302 PMC 2006, dated 25.03.2011.

Whereas the Government order dated 25.03.2011 was challenged in W.P No. 19846-20413/2012. The Hon'ble High Court of Karnataka allowed the said petition on 10.08.2012, with directions to keep in view the service particulars of the petitioners herein and calculate the additional increment payable to the petitioners as has been done in the case of teaching and non-teaching staff working in Government schools, who are similarly placed.

Whereas the state filed appeals against the order dated 10.08.2012 made in W.P Nos.19846-20413/2012, in Writ Appeal No. 2779 and 4868-5434/2013. The Hon'ble High Court has dismissed the said appeals on 28.08.2013.

And, whereas the state of Karnataka preferred the appeal in the Hon'ble Supreme Court in Special Leave Petition No. 38205-38772/2013.

Whereas C.C.C.No. 648/2013 was filed before the Hon'ble High Court to implement the decision of Judgment delivered in W.P.No.19846-20413/2012 dated 10.08.2012. The petition was allowed by giving 15 days time to implement the said orders. Since, Service examination or Kannada Language Examination is not made obligatory for aided school employees, there appears no justification in sanction of additional increment for having passed service or Kannada Language examination to aided institution employees. Government had never contemplated this at any point of time. However, Government has issued order No. ED 286 PMC 2013, dated 11.11.2013 implementing the order dated: 10.08.2012 of the Hon'ble High Court, subject to the Order of the Hon'ble Supreme Court in S.L.P. Nos.

38205-38772/2013 which resulted in huge financial implication on the consolidated fund of the State.

The above said Special Leave Petition Nos. 38205-38772/2013 were dismissed on 06.01.2014.

Now therefore, it is considered necessary to review the matter and since no Service examinations or Kannada Language Examination has been prescribed for the employees of aided Educational Institutions the Government decided not to extend the additional increment payable to the employees working in aided educational institutions as has been done in the case of employees working in Government Schools and for the matters connected therewith or incidental thereto for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty fifth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Education (Amendment) Act, 2014.

(2) It shall be deemed to have come into force with effect from 1st day of June 1995.

Section 87 is Incorporated in the Principal Act

3. Cancellation of sanction of Additional increment and extinguishment of claims, if any.- (1) Notwithstanding anything contained in the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), any order of the State Government or rules governing the conditions of employees of any Private aided Educational Institution or any other Law governing the Grant in aid to the above employees or any Judgment, decree or order of any Court or Tribunal or Authority no employees of an aided institution is required to pass any Service or Kannada Language examination or be eligible for or be granted any additional increment for having passed or deemed to have been passed any such examination as prescribed to Government Servants in the Karnataka Civil Services (Service and Kannada Language examination) Rules, 1974 and any claim of an employee of a Private Educational Institution for sanction of any additional increment for the above reason shall stand extinguished, accordingly,-

(a) the order issued by Government directing to sanction any additional increment for the above reason shall stand cancelled;

Provided that any amount paid as per the order now cancelled towards said additional increment shall not be recovered;

(b) no suit or other proceeding shall be maintained or continued in any Court against the Government by any employee of Private Aided Educational institution claiming additional increment for the said purpose or arrears thereof or for pensionary benefits by reckoning the said additional increment;

(c) no Court shall enforce any decree or order directing release of grant in aid taking into account the additional increment for having passed or deemed to have been passed the Service examination or the Kannada Language Examination by an employee of Private aided Educational Institution.

4. Repeal and savings.- (1) The Karnataka Education (Amendment) Ordinance, 2014 (Karnataka Ordinance No.1 of 2014) is hereby repealed.

(2) Notwithstanding such repeal 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.

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

S.B. GUNJIGAVI

Secretary to Government
Department of Parliamentary Affairs.

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THE KARNATAKA EDUCATION (AMENDMENT) ACT, 2017

(Received the assent of the Governor on the Third day of April, 2017)

An Act further to amend the Karnataka Education Act, 1983

Whereas it is expedient further to amend the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) for t aring;

Be it enacted by the Karnataka State Legislature in the sixty eighth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Education (Amendment) Act, 2017.

(2) It shall come into force at once.

Sections 21,23, 115,118,122 and new section 24A and 121A are incorporated in the Principal Act.

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KARNATAKA ACT NO. 25 OF 2017

(First Published in the Karnataka Gazette Extra-ordinary on the Twenty Second day of April, 2017)

THE KARNATAKA EDUCATION (SECOND AMENDMENT) ACT, 2017

(Received the assent of the Governor on the Eighteenth day of April, 2017

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

Whereas it is expedient further 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 sixty eighth year of the Republic of India, as follows:-

1. **Short title and commencement.-** (1) This Act may be called the Karnataka Education (Second Amendment) Act, 2017.

(2) It shall come into force at once.

Sections 1, 2 , 5A,112A,124A and 125A are incorporated in the Principal Act.

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