THE KARNATAKA EDUCATIONAL INSTITUTIONS (CLASSIFICATION AND REGISTRATION) RULES 1997

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THE KARNATAKA EDUCATIONAL INSTITUTIONS (CLASSIFICATION AND REGISTRATION) RULES 1997

EDUCATION SECRETARIAT

NOTIFICATION

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

(As amended Notification ED 74 VIVIDA 99, dt: 8.10.99, No. ED 34 VIVIDA 2003, dated 26.5.2003 & ED 63 SES 2004 dated 12.8.2005)

Whereas the draft of the Karnataka Educational Institutions (classification and Registration) Rules, 1995 was published in Notification No. ED 116 VIVIDHA 95, dated 14th November, 1995 in Part-IV Section 2C(i) of the Karnataka Gazette Extraordinary dated 14th November, 1995, inviting objections and suggestions from the persons likely to be affected thereby: And whereas the said Gazette was made available to the public on 14th November, 1995: And whereas the objections and suggestions received in this regard have been duly considered by the State Government:

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

1. Title, commencement and application:- (1) These rules may be called the Karnataka Educational Institutions (Classification and Registration) Rules, 1997.

(3) Nothing in these rules shall apply to Commerce Institutions.

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

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

(b) 'Form' means a form appended to these rules;

(c) 'Local Authority' means such authority as entrusted by the Government with the control or management of Municipal or local funds;

(d) 'Local fund' shall have the same meaning as given to it by Article 2 (17) of the Karnataka Financial Code, 1958.

(c) 'Section' means section of the Act.

3. Procedure for registration of Educational Institution:-(1) Applications for registering an Educational Institution shall be filed in Form-1 before the registering authority or the authority authorised in this behalf, only [1](on or before 31st day of October of the year preceding the academic year in which the educational institution is intended to be started)[1] and shall be delivered in person or through registered post and acknowledgement obtained.

1. Substituted by Notification No. ED 63 SES 2004, dated 12.8.2005 w.e.f. 16.8.2005

(2) Every such application for registration to the class of institutions specified in column (2) of the table below shall be accompanied by a registration fee as specified in the corresponding entry in column (3) thereof. The registration fee shall be paid in the form of account payee cheque or demand draft drawn within one month from the date of application and in favour of the registering authority. The demand draft shall be made payable at the branch of the Bank located in the headquarters of the registering authority or in the surrounding locality.

TABLE

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

(3) Registration fee once paid shall not be refunded where registration is granted and where registration is refused, the amount of the fee paid shall be refunded without interest to the applicant. The refund shall be made in the form of account payee cheque drawn by the registering authority on the local treasury where the applicant resides.

(4) The registration fee received under sub-rule (2) shall be held in a personal deposit account opened in the name of the registering authority or the authority authorised in this behalf in the nearest District Treasury.

(5) (a) The registering authority shall verify the suitability and eligibility of each application in accordance with the provisions of Section 31 and the rules made thereunder. He shall issue to the governing council registration certificate or the refusal order, as the case may be within the time limit specified in sub-section (3) of Section 31.

Form-11

(c) The refusal order shall indicate the reasons for refusal and shall be accompanied by the voucher of refund of registration fee.

(d) The Governing Council in whose favour the registration certificate is issued shall start the institution and the standard during the academic year as per specifications laid down in the registration certificate and the date of starting shall be intimated to the registering authority . Failure on the part of the Governing Council to start the institution and the standard during the
specified academic year shall lead to automatic cancellation of registration certificate and on no account it shall stand valid for the subsequent academic years.

4. Conditions for registration of educational Institutions:-(1) Procedure for determining the need for opening of a new educational institution or upgradation of an educational institution.
shall be as follows:-

(a) The registering authority or the authority authorised in this behalf shall make an assessment of the educational needs of the area coming under its jurisdiction with reference to each locality, which shall be based on :-

(i) the size of the population in the locality;

(ii) the existing educational facility including the types of educational institutions in and around the locality;

(iii) the strength of students in each of the existing institutions with reference to each standard and section;

(iv) the distance from each of the existing institution to the location of new school proposed;

(v) the needs of the locality and status of the locality with reference to the habitation and backwardness;

(vi) the literacy percentage;

(vii) any other factor that the authority feels relevant :

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

(b) Based on the need based assessment the authority shall clearly identify the educational needs of each locality in terms of type of new educational institutions needed. This shall be upgraded every year and shall be kept open for the information of the applicants seeking registration of new educational institutions in the particular locality.

(c) The suitability and eligibility of any applicant seeking registration of new institution in a locality including class or type of institution shall be verified with reference to the assessment needs above, by the registrating authority.

(2) Procedure for determining the financial viability of an applicant seeking registration of a new educational institution, shall be as follows :-

(a) The registrating authority shall satisfy itself about the financial position of the applicant based on verification of the following documents, namely:-

(i) latest audited Balance Sheet and assets and liability statement of the applicant institution which has been duly certified by a Chartered Accountant:
(ii) audited Balance Sheet and assets liability statement of other educational institutions run by the applicant institution which shall be duly certified by a Chartered Accountant;
(iii) the Bank transaction and the cash balance in the account operated by the applicant institution;
(iv) certificate from the Bank regarding the cash balance in the account of applicant institution.

(b) the registering authority after verification of the documents shall ensure that the applicant institution.-

(i) holds in its own name a minimum cash balance of rupees five lakhs or assests worth to that extent:

(ii) is possessed of an initial corpus fund to establish, maintain and run the proposed educational institution;

(iii) has the capacity to deposit stability fund as required under the rules governing recognation of the class of educational institutions to which it belongs.

(iv) has the capacity to provide suitable facilities like site, building, accommodation, staff, equipment etc, required under the rules prescribed in this regard,

and may also secure any other information as it may deem necessary for the purpose; (3) Rules 4,5,6 and 9 of the karnataka Educational Institution (Classification, Regulation and Prescription of Curricula etc) Rules 1995.

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

(4) General conditions for registration shall be as follows:-

(a) Every applicant institution seeking registration shall,-

(i) abide by all the provisions of the Act and the rules made thereunder;

(ii) abide by the curricula, text books, medium of instruction and examination rules as may be specified by the competent authority;

(iii) appoint qualified staff;

(iv) follow admission and fee regulations prescribed:

(v) start the institution only after the receipt of registrations certificate.

(vi) shall start the classes as specified in the registration certificate;

(viii) Keep the location of site and institution open and access-able to all;

(viii) spare the building and staff for the purpose of conduct of examinations, training programmes, census and other departmental work as and when they are required to do so.

(ix) Provide all facilities as specified in the Karnataka Educational Institutions (Classification , Regulation and Prescription of Curricula) Rules, 1995.

(x) not make claim for administration to grants on the basis of registration certificate issued;

(xi) make application for recognition of the registered institution within the time frame.

(b) At the time of making application, every applicant shall give to the registering authority or the authority authorised in this behalf, an undertaking to comply with the general conditions specified in clause (a)

5. Procedure for registration or upgradation of educational institution.-(1) Every educational institution intending to add any new class or course of subject, shall make an application to the registering authority in

Form No VI one year prior to the commencement of the academic year.

(2) Every such application shall be accompanied by a fee equal to 1/5 of the fee specified under sub-rule (2) of rule 4 in respect of a new class, or course and 1/20 of the fee so specified in respect of addition of any new subject Provisions of rule 3 shall mutatis-mutandis apply in respect of payment of refund of fees.

(3) While granting upgradation, regard shall be had to the past performance of the educational institution in the matter of faithfully implementing the objectives as per the provisions of the Act and the rules, notitifactions and orders thereunder and general reputation of the institution among the public and the students.

(4) While issuing a registration certificate in respect of such upgraded educational institution the original certificate (as modified from time to time) shall be withdrawn and a new certificate issued in

Form NO VII.

6. Registration of existing recognised educational institutions.-(1) For registration of an educational institution specified under section 30 such educational institution shall file a statement in Form No VIII before the registering authority, within a period of six months form the date of commencement of these rules or from the date of appointment of the registering authority whichever is later.

(2) The statement under sub-rule (1) shall be delivered personally in the office of the registering authority and due acknowledgement obtained or shall be sent by speed post or registered post acknowledgement due.

(3) On being satisfied that the educational institution is fit in all respect to be registered, the registering authority shall issue a certificate of registration in

7. Intimation of change:-(1)The Governing Council of every private educational institution shall intimate any change in the particulars of the educational institution to the registering authority in

Form No.III. Such intimation shall be sent by speed post or registered posts acknowledgement due or delivered in person in the office of the registering authority.

(2) On receipt of intimation under sub-rule (1) and upon such enquiry as it may deem necessary the registering authority may, by an order, require the educational institution to surrender the registration certificate.

(3) The surrendered certificate of registration shall become the property of the registering authority. In case of changes in the particulars of an educational institution a new registration certificate shall be issued in

Form No IV. The surrender and issue of new registration certificate shall be entered in the register of educational institutions maintained by the registering authority both against the old registration and the new registration.

8. Form of register of Educational Institutions;- (1)Every registering authority shall maintain a register of educational institutions in Form No V.

(2) Every such register shall be firmly bound and given running folio numbers.

(1) Before opening any register, the registering authority shall on the inner cover page of the register certify the date of opening the register and number of folios (from Number and to Number) in it.

(4) On completion of all the folios, the date of such completion shall also be recorded by the registering authority on the inner cover page as aforesaid.

9. Terms of conditions of appointment.-(1) The terms and conditions of appointment of the expert body, constituted under section 37 shall be as may be specified by the Government from time to time.

[1][(2) Every such expert body shall consist of not less than five and not more than nine Members nominated by the State Government from amongst the experts in the field of education] [1]

1 Subsituted by Notification No. ED 74 VIVIDA 99, dated 8th October 1999 w.e.f. 2.12.1999

(3) The Board of Experts shall devise its own procedure and make local enquires by visiting the place of the concerned educational institution and give an opportunity to the educational institution concerned to state its case either orally or in writing or both .

(4) The recommendations of the Board of Experts shall be made by an ordinary majority of the members.

(5) In case of equality of votes the Chairman of the Board shall have the right to exercise a second or casting vote.

(6) Every dissentient member shall append his dissenting note to the report of the Board of Experts.

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

FORM No. I

(See sub rule (1) of rule 3)

(Use additional sheets,annexures where ever necessary)

To

(specify here the designation and address
of Registering authority)

Sir,

For and on behalf of

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

1. Name and Location

or

Proposed name location of the institution

2. Name and address and nature of the local authority

or

Governing Council (enclose a copy of the certificate of registration, a copy of the memorandum of Association etc., of the Society, trust, deed etc.,) [(See.2 (17)]

3. Objectives of the Educational institution proposed to be established.

4. Date from which the proposed institution is proposed to be started.

5. Class or type of educational institution proposed to be established (like lower primary, higher primary, secondary etc.,)

6. Medium of instruction proposed to be introduced.

7. Details of preliminary formalities if any completed with the concerned authority/professional body/university/other athilianing agency.

8. Details of educational institutions established managed and administered by the local authority or Governing Council immediately prior to this application.

9. Explain the need for providing the intended educational facilities to the people in the locality with reference to

(a) Size of the population in the locality.
(As per latest census Report)

(b) literacy percentage.

(c) Details of other existing educational institutions in and around the locality with regard to:

(i) the distance from the proposed institution

(ii) strength and attendance in each standard.

(d) Details regarding feeder institutions in and around the locality with regard to

(i) the distance from the proposed institution.

(ii) strength and average attendance in each standard.

(iii) the names of present educational institutions to which the students are admitted (Please also mention the distance of each such institution)

(e) Details regarding the existing habitations in the locality and their state of backwardness with special reference to

(i) SC/ST. category

(ii) girls handicapped children

(iii) minority community

(Full factual verifiable date to be provided)

10. Furnish the following:

(a) Estimate of financial implications to provide infrastructure, teaching facilities, equipment etc., at current market prices as per the standards prescribed in the Act and rules.

(b) Audited and certified latest balance sheet, income and expenditure statement. (Certified by a chartered accountant or such other authority which under law is competent to certify the accounts of the local authority/Governing Council/ [(see sec. 2(17).]

(c) Certificates from the bank to show cash balance.

(d) photo copy of title deeds to evidence possession of the extent of land required for building, playground, etc., of the prescribed standards.

(e) Blue print to evidence that building to the required extent and of the required specifications are available.

(f) Statement of latest audited and certified accounts and annual report of the other annual report of the other educational institutions being run by the local authority or governing council.

(g) Name, address, qualifications and experience of teaching staff, furnish in position. The qualification prescribed by the Govt./competent authority, concerned professional body, university or the assiliating authority and the number of the staff to be employed in each cadre

(h) Copy of the resolution of the governing council authorising the secretary to file this application.

(i) Name full address of the correspondent/secretary cum correspondent authorised to carry out the correspondence with the govt/department.

11. Name, father's name, age, qualification, address, occupation of the members of the governing council.

12. Name, father's name, age, qualification, address and occupation of the members (of the members) of the managing Committee. (See Sec. 2(a))

13. Any other information which the applicant wishes to furnish.

14. Amount of registration fee paid. (Demand draft no. & date, bank on which drawn).

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

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

Place: Signature of the secretary Date:
name in capital letter and
rubber stamp.

DECLARATION BY THE APPLICANT INSTITUTION

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

for on behalf

Signature of the Secretary
Name in capital letter and
rubberstamp.

FORM NO II

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

CERTIFICATE NO.....

Certified that

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

1) serial no.

2) Class of educational institution

3) standards permitted

4) The academic Year the standards are to be opened.

5) Medium of instruction permitted details of registration

6) fees paid

The educational institution is registered at sl. No..... at page no. ..... of volume no. ..... of the register of educational institutions maintained in this office. The registration certificate issued here is subject to conditions stipulated under: 1) The validity of the registration certificate shall be governed by the rule 3 (5) (4).

2) That the governing council shall fulfill all the general conditions as stipulated in rule 4 (4).

3) The conditions to be fulfilled in respect of site, area, building, equipment, staff, financial viability etc.,

4) Any other condition specified by the authority.

Place: Signature and name
Date: designation & official
Seal of the registering authority

FORM NO III

See Sub-rule (1) of rule 7

To

(Indicate the name and address of the Registering Authority)

Sir,

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

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

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

Sl. No.	Particulars furnished at the time of registration	Changes that has taken place	reasons for the change

AND NOW THEREFORE the Governing Council of ..... educational institution here by intimates the Registering Authority of the foresaid change or closure as the case may be.

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

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

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

Place:
Date:

*****

FORM NO. IV

See sub-rule (3) of rule 7

MODIFIED REGISTRATION CERTIFICATE

Sl. No.

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

Sl. No.	Class of Educational Institution	stds admitted	The academic year the std. are to be opened	med. of instru.	Details regd. Fee paid

AND WHEREAS the said Governing Council has made an application under sub-section (5) of section 31 of the Karnataka Education Act, 1983, (Karnataka Act No. 1 of 1995) intimating changes that have taken place in udner particulars furnished by the said Governing Council under sub-section (1) of section 31, at the time of Registration of the Governing council.

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

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

Sl. No.	Class of Educational institution	fee paid	stds permitted	The academic year the std. are to be opened	medium of instruction

The Governing Council referred to in the proceeding para, is registered under sl. no. ..... of page ..... of ..... volume of the register of educational institutions maintained in this office.

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

Signature with name and
designation of the registering
authority with official seal.

FORM NO. V

See sub-rule (1) of rule 8

REGISTER OF EDUCATIONAL INSTITUTIONS

Sl. No.	Name & address of the Governing Council	Nature of the Governing Council	Members of the Governing Council	Name of Educational Institution such educational institution	Name of Regi. Course run in each of issue	Registration certificate No. & Date	Signature of the Registering Authority

FORM NO. VI

See Sub rule (1) of Rule 5

APPLICATION FOR UPGRADATION OF EDUCATIONAL INSTITUTION To

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

Sir,

For and on behalf of

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

educational institution (specify here the name & address of the educational institution.) A new Registration Certificate may please be arranged to be issued:

1) Courses being run now :

2) Higher classes new subjects courses to be opened :

3) Any other type of upgradation proposed to be made :

4) Particulars of Registration Fee if any paid :

5) Any other information that the applicant wishes to furnish :

I have enclosed herewith in original, Registration Certificate bearing no. ..... dated ..... issued by ..... (specify here the designation of the registering authority which issue the application).

Place : Signature with name & Date:

Designation with official seal.

FORM NO. VII

See sub rule (4) of rule 5

NEW REGISTRATION CERTIFICATE

SL.NO.

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

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

Sl. No.	Class of Educational institution	stds permitted	Academic year the std. Are to be opened	medium of instruction permitted

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

Sl. No.	Class/Kind of courses	subjects	details of fee paid

AND WHEREAS the Registering Authority is satisfied that the educational institution is qualified for upgradation.

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

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

Sl. No.	Class of Educational institution	stds permitted	Academic year the std. are to be opened	medium of instruction permitted

This institution has been registered at sl. No. ..... of page of volume ..... of the register of educational institutions maintained in this office.

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

Signature with name
& designation of the
registering authority with
official seal.

FORM NO. VIII

See sub rule (1) of rule 6

FORM OF APPLICATION FOR REGISTRATION OF EXISTING RECOGNISED EDUCATIONAL INSTITUTION

To

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

Sir,

For and on behalf of

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

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

Particulars are as follows:-

1. Name & location of the existing educational Institution

2. Name & address and nature of the local Authority, or the Governing Council (enclosed a copy of the Certificate of Registration, a copy of the Memorandum of Association etc., of the society, Trust, etc.,) (see Section 2 (17)

3. Objectives of the Educational Institution :

4. Details of the course being run:

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

5. No. Of teaching staff and non teaching staff employed.

6. Any other information the applicant wishes to furnish.

I request that a Registration Certificate may please be issued.

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

Place: Signature of the applicant

Date: with name & designation and
with official seal.

FORM NO. IX

See sub-rule (3) of rule 6

REGISTRATION CERTIFICATE FOR RECOGNISED EDUCATIONAL INSTITUTIONS EXISTING AT THE COMMENCEMENT OF THE ACT SL. NO.....

Certified that

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

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

This certificate is issued this ..... day of .....of one thousand nine hundred .....

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

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

Place:

Date: