EDUCATION SECRETARIAT

NOTIFICATION

No. ED 131 TPE 2014 Bangalore, dated: 20th August 2014.

Whereas the draft of the Karnataka Educational Institutions (Recognition of Minority Educational Institution Terms and Conditions)(Technical Education) Rules, 2014 which the Government of Karnataka proposes to make in exercise of the powers conferred by Sub-Section (1) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) was published as required by sub-section(1) of section 145 in Notification No. ED 131 TPE 2014 dated 14-07-2014 in part IV-A of the Karnataka Gazette dated 14- 07-2014 inviting objections or suggestions from any person likely to be affected thereby within fifteen days from the date of publication of the draft in the Official Gazette.

Whereas the said Gazette was made available to the public on 14-07-2014, and no objections and suggestions have been received within the stipulated period.

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

RULES

1. Title and commencement:- (1) These rules may be called the Karnataka Educational Institutions (Recognition of Minority Educational Institutions Terms and Conditions) (Technical Education) Rules, 2014.

(2) They shall come into force from the date of their publication in the

2. Definition.- (1) In these rules unless the context otherwise requires-

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

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

(c) "Minority Community" means Community notified under the provisions of the National Commission for Minority Educational Institution;

(d) "Minority Educational Institution" means minority educational institutions as defined in clause (21) of section 2 of the Karnataka Education Act 1983 (Karnataka Act 1 of 1995);

(e) "Section" means a section of the Act;

(f) "Screening committee" means the screening committee constituted under rule 5(10).

(g) "Technical Educational Institution" means the institutions imparting technical education leading to Bachelor Degree or Post Graduate Degree or Diploma and recognized by the Department of Technical Education.

(2) The words and expressions used in these rules but not defined shall have the same meaning assigned to them in the Act.

3. Competent Authority to declare Minority status.- The Principal Secretary or Secretary to Government in charge of Education Department (Higher Education), as the case may be shall be the Competent Authority, to declare Religious/Linguistic Minority status to Technical Educational Institutions offering courses at diploma and degree level.

4. Eligibility Criteria for Recognition.- (1) Those Technical Educational Institutions which have been already declared as a Minority Educational Institution, by the department or by the State Government by a specific order or by the National Commission for Minority Educational Institutions, New

Delhi ,or by the order of any Court need not apply again for declaration of minority status under these rules, but have to file periodical reports on compliance of conditions specified in sub-rule (5) and (6) and regarding any change in Management Committee or Governing Council of the Institution.

Provided that, such Technical Educational Institutions shall be subjected to compliance of rule 10 and for renewal the

provisions of rule 12 and for periodical review by the competent authority about the compliance of the conditions specified in sub-rule (5) and (6).

(2) The new Technical Educational Institution applying for the Minority status shall be registered under the Act or as a Trust under the Bombay Public Trust Act, 1950 or as a Society under the Karnataka Societies Registration Act, 1960 or under any other relevant law. The institution shall indicate in its bye laws or rules that it has been formed to serve the interest of the minority community to which it belongs.

(3) A Technical Educational Institution established by a Religious Minorities notified by the Government of India and the Government of Karnataka, shall be eligible to apply for declaration of minority status to such technical educational institution as Religious Minority Educational Institution.

(4) A Technical Educational Institution established by the linguistic minorities shall be eligible to apply for the declaration of minority status to such institutions run by them, as Linguistic Minority Technical Educational Institutions.

(5) At least two-third of the trustees or members of the managing committee of the Society, of the Technical Educational Institution shall belong to the Minority.

(6) Not less than Fifty percent of the children enrolled in the said Institution shall belong to the said minority community to which applicant the institution belongs to, out of which at least Seventy Five Percent of students shall be from Karnataka.

5. Procedure for declaration of minority status.- (1) The Technical Educational Institution seeking declaration of minority status as a Religious or Linguistic Minority Educational Institution, shall apply to the competent authority in Form-A, along with documents specified in Rule 7 indicating specifically whether they are seeking declaration of minority status either as Religious or Linguistic Minority Educational Institution, along with the attested photo copies of the relevant documents to prove that such Institution has fulfilled the conditions specified in rule 4 and 6.

(2) Non Judicial Court Fee stamp of Rs.500, shall be affixed on each application.

(3) New Technical Educational Institution which seek declaration of minority status shall pay non-refundable processing fee of Rs.10,000/-. (Rupees Ten Thousand only). The fee shall be paid by a Demand Draft in the name of the Director of Technical Education.

(4) The Applicant Educational Institution shall also file a notarized affidavit in form-B on Non Judicial stamp paper of Rs.200.

(5) The members of the governing council and the managing committee shall produce community/linguistic certificate to which they belong issued by the Tahasildar in the prescribed form.

(6) Details of the students belonging to Minority studying in that institution along with relevant certificate.

(7) The application received by the Competent Authority shall be scrutinized by the Director of Technical Education on the day of submission of the application itself. The incomplete applications and applications not filed in the prescribed form, without the prescribed fees, or without supporting documents shall be informed to the applicant during preliminary scrutiny and acknowledgement and if applicant still pursues the application, rejection of

application due to incomplete information or document shall be informed to the applicant in writing within Sixty days from the date of application through Competent Authority.

(8) In case where applications are accepted the Director of Technical Education shall constitute a three men Committee headed by an officer not below the rank of Joint Director, which will visit the concerned Institution and verify the documents and actual position, as per the check list prescribed in Form-"B" and the application along with recommendations shall be submitted to the Director of Technical Education within Twenty Days, form the date of receipt. The Directorate shall verify the proposal as per the check list processed by the three men Committee pass remarks and submit to the Government in the prescribed form within Ten days from the receipt of the report of Three men Committee.

(9) There shall be a Screening Committee at Government Level of applications recommended by the Director for verification or enquiry which shall consist of the following members, namely:-

Designation	
1) Deputy Secretary to Government, Department of Education (Technical Education)	Chairman
2) The Under Secretary, Department of Education (Technical Education)	Member Secretary
3) The Under Secretary, Minority Welfare Department	Member

(10) Screening Committee shall review claims of minority status of the applicant and submit the proposal to the competent authority within 2 months from the date of receipt of application.

(11) The Screening committee in case of any matter to be enquired / verified shall entrust or authorize the concerned Joint Director to verify the actual position. The concerned Joint Director shall verify the factual position as observed by the screening committee, and shall submit the report in Form-"C'.

(12) The Competent Authority shall hear the Applicant Institution, through its authorized representatives, with prior notice of at least ten days, before deciding the application. The Applicant shall be required to furnish all information at the time of the hearing of the application, which are required to be furnished while filing the application under sub-rule (5) and (6).

Form-D.

(14) In case of rejection, the Competent Authority shall issue a speaking order to the applicant institution recording the reasons for rejection.

(15) The competent authority shall decide the status of the minority Institution and the decision shall be communicated to the Applicant within a period of 40 days from the date of receipt of the proposal from the screening committee.

(16) Failure to decide within 90 days from the date of accepting the proposal shall confer declaration of minority status on the applicant Institution. The issue of Acceptance or rejection of the application is subject to the screening of application by the competent authority which ultimately decides the acceptance or rejection of the application which shall be informed to the applicant in writing.

6. Terms and Conditions for the declaration of minority Technical Institution.-

(1) The declaration of Minority status shall be accorded to each technical institution and not to the Parent Trust or Body.

(2) The Applicant Institution shall abide by all the criteria indicated in rule-4. Any change in the composition of the trust or society or management committee or shortfall in the intake of Minority Students shall be intimated to the Competent Authority within fifteen days of such a change being affected.

(3) Managements having headquarters outside Karnataka are not entitled to claim linguistic minority status in Karnataka.

7. Copies of Documents to be attached with application - The following documents shall be attached with the application:-

(1) Attested Photo Copy of Trust Deed or Society Registration;

(2) Attested photo copy of schedule/indicating the names of the original Trustees/members of Managing committee;

(3) Attested photo Copy of Change Report if any, regarding change in the names of Trustees/members of Managing Committee;

(4) Proof of Religious affiliation or linguistic background of the Trustees/members of managing Committee such as baptism certificate school leaving certificate etc.,

(5) Proof of running educational institution, by the applicant trust/ Society;

(6) An affidavit by the Educational Institution to ensure that fifty percent of the children enrolled in the said institution belong to the minority community of the applicant institution; and

(7) Attested photo copy of the admission register or extract of the admission register of the technical institution which indicate the religious or Linguistic status of the children.

8. Procedure for review of minority status to the existing institution.-

(1) Technical Institutions which have been declared or deemed to have been declared as Minority institutions by the Government or by the Director of Technical Education before the commencement of these rules shall file a periodical report on the change of the management or governing council and regarding compliance of Sub-rule (5) and (6) of rule 4.

(2) The Institution should send the proposal to the Directorate before the end of November. The Directorate shall scrutiny the application and send report to the competent authority before the end of January. The Competent authority will issue the minority status to the institution before the end of March.

9. Filing of Returns by Minority Technical Institutions.-

(1) On the completion of the admission process, every year every Minority Technical Institution declared as minority institution under these provisions, shall file a return through the Director of Technical Education within fifteen days with the breakup of girls and boys, admitted belonging to minority and non-minority.

10. Redressal of grievance.- If any complaint is received by the State Government with regard to the veracity of the Minority status of an Institution which has been declared as religious/linguistic minority institution under these rules, or as regards injustice to any minority student in the admission process, or any such matter, the Competent Authority may enquire into the matter by giving a reasonable opportunity of being heard, to the institution concerned, by conducting a hearing and examining the parties and verifying the records of the institution or cause the matter to be enquired into by the Director. The issue of notices of enquiry to all the concerned parties shall be followed by the hearing of the applicant Institution, taking the evidence from the affected parties and checking the records of the institution etc. The Director will then submit a report to the Competent Authority who shall then pass necessary speaking orders in the matter.

11. Grounds for Revoking status of minority.- The declaration of Religious or Linguistic Minority Educational status to an Institution once accorded, can be revoked any time on the following grounds;

(1) When the Institution has obtained the status of minority by submitting false information to the Competent Authority.

(2) Non-filling of Returns under Rule-9;

(3) Violations of any of the provisions of Sub-rule (2), (3), (4), (5) and (6) of rule-4;

(4) If a complaint is received by the Government as regards the veracity of the Minority status or the fraudulent admission process adopted by the institution to the detriment of the concerned Minority Community students and the complaint is found to be true on enquiry.

Provided that, it shall be necessary for the Competent Authority to hear the Institution before passing any orders of Revocation of declaration of status of minority.

12. Appeals against orders of the Competent Authority.- An appeal shall lie the National Commission for Minority Educational Institutions, New Delhi, against any order passed by the Competent Authority rejecting the declaration of Minority status or revoking the declaration of Minority status to an Technical Institution in Karnataka or any order passed in terms of these rules.

13. Procedure for the renewal of minority status certificate.-

(1) The tenure of minority status certificate of Technical Institutions shall be valid for five years from the date of issue or whenever there is change/transfer of management or relocation of the management or the non-compliance rule 4 (5) and (6) as the case may be, whichever is earlier the institution shall apply for renewal along with a fee of Rs.10,000/- in the same manner specified rule 5.

(2) Whenever there is change in management or transfer of management, the new management shall submit a fresh application to the Directorate who in turn submit the same to the screening committee.

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

B.NAGABHUSHAN

Under Secretary to Government,

Education Department (Technical Education).

FORM-A

{See rule 5(1) }

(APPLICATION TO GET THE MINORITY STATUS TO TECHNICAL INSTITUTION/S)

SL. NO.	SUBJECT	DETAIL/PARTICULARS
1	Name and address of the Managing committee (In Block letters)	
2	1. Name of the School: 2. Date of establishment : 3. Medium of instruction :	
3	1. No. of institutions run by the management: 2. Enclose the list : 3. Submit the proposal for each school separately :	
4	1. Whether the managing committee is registered ? (enclose the Copy) 2. If Yes, Registration No. and date : 3. Last date of renewal of registration : 4. Furnish the latest renewal copy of registration :	
5	1. Whether the institution has registered in education department? If Yes furnish the details. 2. Enclose the registration letter: 3. Last date of renewal of recognition: 4. Enclose the copy of the same:	
6	Type of management: 1. Religious: Muslims/Christians/Buddhist/ Sikhs/Jains 2. Linguistic : (Mention the language)	
7	1. Are the members of the managing committee belong to religious minority group? If Yes, Furnish the Names, addresses and religious details. 2. Is the members of the managing committee belongs to linguistic minority group? If Yes, Furnish the Names, addresses and language detail.	
8	Are the two third of the managing committee belongs to minority group? If Yes, Furnish the details.	
9	If the members belongs to religious/ linguistic minority, Enclose the certificate issued by the Tahasildar individually.	
10	Type of School (Aided or Unaided)	
11	According to the census data, Total area population, where the institution is located: 1. Total Population: 2. Population of the concerned religion/ linguistic minority where the institution is located:	
12	1. Enclose the list of students class wise, religion wise and language wise. 2. Classwise student abstract for the current year with % of concern minority students.	

Seal and signature of the Secretary of the Management Signature of the Principal of Date:
the Institution Seal and Date:

FORM-B

See rule 5(7)

CHECK LIST FOR THE RECOMMENDATION OF AN INSTITUTION FOR DECLARATION OF MINORITY STATUS

SL. NO.	SUBJECT	DETAIL/ PARTICULARS	RECOMMENDA rejection furnish
1	Name and address of the Managing committee (In Block letters)		
2	1. Name of the School: 2. Date of establishment : 3. Medium of instruction :		
3	1. No. of institutions run by the management: 2. Enclose the list : 3. Submit the proposal for each school separately :		
4	1. Whether the managing committee is registered ? (enclose the Copy) 2. If Yes, Registration No. and date : 3. Last date of renewal of registration : 4. Furnish the latest renewal copy of registration :		
5	1. Whether the institution has registered in education department? If Yes furnish the details. 2. Enclose the registration letter: 3. Last date of renewal of recognition: 4. Enclose the copy of the same:		
6	Type of management: 1. Religious: Muslims/Christians/ Buddhist/ Sikhs/Jains 2. Linguistic : (Mention the language)		
7	1. Are the members of the managing committee belong to religious minority group? If Yes, Furnish the Names, addresses and religious details. 2. Is the members of the managing committee belongs to linguistic minority group? If Yes, Furnish the Names, addresses and language detail.		
8	Are the two third of the managing committee belongs to minority group? If Yes, Furnish the details.		
9	If the members belongs to religious/ linguistic minority, Enclose the certificate issued by the Tahasildar individually.		
10	Type of School (Aided or Unaided)		
11	According to the census data, Total area population, where the institution is located: 1. Total Population: 2. Population of the concerned religion/ linguistic minority where the institution is located:		
12	1. Enclose the list of students-class wise, religion wise and language wise. 2. Class wise student abstract for the current year with % of concern minority students.		

Signature and Seal of Chairman, Three Men Committee
Date:

Signature and Seal of Member
Three Men Committee
Date:

Signature a
Three Men Comm
Date:

FORM-C
{See rule 5 (11)}
FORMAT FOR THE RECOMMENDATION OR REJECTION AT REVIEW COMMITTEE

Sl. No.	Name of the Institution	Name of the Managing committee	Registration details of the managing committee	Recognition details (from the department of education)	Type of Management Religious/ Linguistic Minority	Medium of Instruction	Whether all the members have enclosed their religious linguistic proof (with document)	Type Sch Aide nai
1	2	3	4	5	6	7	8	9

FORM-D

{See rule 5(12)}

FORMAT FOR ACCEPTANCE AND REJECTION OF APPLICATION BY COMPETENT AUTHORITY

SL. NO.	PARTICULAR	ACCEPTED (WITH REASONS)	REJECTED (WITH REASONS)
1	Name and address of the Managing committee (In Block letters)	Information enclosed	Information not enclosed
2	1. Name of the School: 2. Date of establishment : 3. Medium of instruction :	Information enclosed	Information not enclosed
3	1. No. of institutions run by the management: 2. Enclose the list : 3. Submit the proposal for each school separately :	Information enclosed	Information not enclosed
4	1. Whether the managing committee is registered ? (enclose the Copy) 2. If Yes, Registration No. and date : 3. Last date of renewal of registration : 4. Furnish the latest renewal copy of registration :	Information enclosed	Information not enclosed
5	1. Whether the institution has registered in education department? If Yes furnish the details. 2. Enclose the registration letter: 3. Last date of renewal of recognition: 4. Enclose the copy of the same:	Information enclosed	Information not enclosed
6	Type of management: 1. Religious: Muslims/Christians/ Buddhist/ Sikhs/Jains 2. Linguistic : (Mention the language)	Information enclosed	Information not enclosed
7	1. Are the members of the managing committee belong to religious minority group? If Yes, Furnish the Names, addresses and religious details. 2. Is the members of the managing committee belongs to linguistic minority group? If Yes, Furnish the Names, addresses and language detail.	Information enclosed	Information not enclosed
8	Are the two third of the managing committee belongs to minority group? If Yes, Furnish the details.	Information enclosed	Information not enclosed
9	If the members belongs to religious/ linguistic minority, Enclose the certificate issued by the Tahasildar individually.	Information enclosed	Information not enclosed
10	Type of School (Aided or Unaided)	Information enclosed	Information not enclosed
11	According to the census data, Total area population, where the institution is located: 1. Total Population: 2. Population of the concerned religion/ linguistic minority where the institution is located:	Information enclosed	Information not enclosed
12	1. Enclose the list of students-class wise, religion wise and language wise. 2. Classwise student abstract for the current year with % of concern minority students.	Information enclosed	Information not enclosed

Date:

Place:

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

PRINCIPAL SECRETARY/SECRETARY:

(Higher Education),

(Government of Karnataka).