

KARNATAKA EDUCATIONAL INSTITUTIONS (CLASSIFICATION AND REGISTRATION) RULES, 1997

CONTENTS

1. Title, commencement and application
2. Definitions
3. Procedure for Registration of Educational Institution
4. Conditions for registration of Educational Institutions
5. Procedure for registration or upgradation of Educational Institution
6. Registration of existing recognised Educational Institutions
7. Intimation of change
8. Form of Register of Educational Institutions
9. Terms and conditions of appointment

KARNATAKA EDUCATIONAL INSTITUTIONS (CLASSIFICATION AND REGISTRATION) RULES, 1997

Whereas, the draft of the Karnataka Educational Institutions (Classification and Registration) Rules, 1995 was published in Notification No. ED 116 VIVIDHA 95, dated 14th November, 1995 in Part IV, Section 2-C(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.

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

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

2. Definitions :-

In these rules, unless the context otherwise requires.

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

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

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

(d) "Local Fund" shall have the same meaning as given to it by Article 2(17) of the Karnataka Financial Code, 1958;

(e) "Section" means section of the Act.

3. Procedure for Registration of Educational Institution :-

(1) Applications for registering an Educational Institution shall be filed in Form I before the registering authority or the authority authorised in this behalf, only in the month of March in every academic year and shall be delivered in person or through registered post and acknowledgement obtained.

(2) Every such application for registration to the class of institutions specified in column (2) of the table below shall be accompanied by a registration fee as specified in the corresponding entry in column (3) thereof. The registration fee shall be paid in the form of account payee cheque or demand draft drawn within one month from the date of application and in 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	Rs. 2,000/-
2.	Lower Primary Schools with pre-primary section (Std. I to IV)	Rs. 5,000/-
3.	Upper Primary Schools (for Kannada Medium) (Std. V to VII) (for English Medium)	Rs. 5,000/-Rs. 10,000/-
4.	Secondary Schools (Std. VIII to X)	Rs. 10,000/-

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

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

(5)

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

(b) The registration certificate shall be issued in Form II.

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

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

4. Conditions for registration of Educational Institutions :-

(1) Procedure for determining the need for opening of a new educational institution or upgradation of an educational institution, shall be as follows:

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

which shall be based on.

- (i) the size of the population in the locality;
- (ii) the existing educational facility including the types of educational institutions in and around the locality;
- (iii) the strength of students in each of the existing institutions with reference to each standard and section;
- (iv) the distance from each of the existing institution to the location of new school proposed;
- (v) the needs of the locality and status of the locality with reference to the habitation and backwardness;
- (vi) the literacy percentage;
- (vii) any other factor that the authority feels relevant:

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

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

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

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

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

- (i) latest audited Balance Sheet and assets and liability statement

of the applicant institution which has been duly certified by a Chartered Accountant;

(ii) audited Balance Sheet and assets and liability statement of other educational institutions run by the applicant institution which shall be duly certified by a Chartered Accountant;

(iii) the Bank transaction and the cash balance in the account operated by the applicant institution;

(iv) certificate from the Bank regarding the cash balance in the account of applicant institution.

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

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

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

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

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

(3) Rules 4, 5, 6 and 9 of the Karnataka Educational Institution (Classification, Regulation and Prescription of Curricula, etc.) Rules, 1995. Shall apply in respect of site, building, accommodation, water, sanitary facilities, teaching staff, etc.

(4) General conditions for registration shall be as follows.

(a) Every applicant institution seeking registration shall.

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

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

(iii) appoint qualified staff;

(iv) follow admission and fee regulations prescribed;

- (v) start the institution only after the receipt of registration certificate;
 - (vi) shall start the classes as specified in the registration certificate;
 - (vii) keep the location of site and institution open and accessible 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 to make claim for admission 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 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 or refund of fees.
- (3) While granting upgradation, regard shall be had to the past performance of the educational institution in the matter of faithfully implementing the objectives as per the provisions of the Act and the rules, notifications and orders thereunder and the 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 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 VIII before the Registering Authority, within a period of six months from the date of commencement of these rules or from the date of appointment of the Registering Authority whichever is later.

(2) The statement under sub-rule (1) shall be delivered personally in the office of the Registering Authority and due acknowledgement obtained or shall be sent by speed post or Registered Post Acknowledgement Due.

(3) On being satisfied that the educational institution is fit in all respects to be registered, the Registering Authority shall issue a Certificate of Registration in Form IX.

7. Intimation of change :-

(1) The Governing Council of every private educational institution shall intimate any change in the particulars of the educational institution to the Registering Authority, in Form III. Such intimation shall be sent by speed post or Registered Post 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 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 V.

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

(3) Before opening any register, the Registering Authority shall on the inner cover page of the register certify the date of opening the register and number of folios ('from' number and 'to' number) in it.

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

9. Terms and conditions of appointment :-

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

(2) Every such expert body shall consist of not less than five and not more than eleven members composed as under.

(i) not less than two but not more than four members from among experts in the field of study to which the educational institutions is related;

(ii) not more than three members from among parents of students in the feeder educational institution in the locality or in the surroundings;

(iii) not more than two members from among experts in general management; and

(iv) not more than two members from among officials; to be nominated by the State Government, so however that there is at least one member in each class on the Board.

(3) The Board of Experts shall devise its own procedure and make local enquiries 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 dissenting member shall append his dissenting note to the report of the Board of Experts.