

## **KARNATAKA EDUCATIONAL INSTITUTIONS (COLLEGIATE EDUCATION) RULES, 2003**

### **CONTENTS**

#### **CHAPTER 1 :- General**

1. Title, application and commencement
2. Definitions

#### **CHAPTER 2 :- Officers of the Department of Collegiate Education in Karnataka**

3. The powers and functions of the officers of the Department shall be as follows

#### **CHAPTER 3 :- Management of Aided Private Educational Institutions and Local Authority Institutions**

4. The Management of Aided Private Educational Institution
5. President and Secretary
6. Meeting of the Managing Committee

#### **CHAPTER 4 :- Grant-in-aid**

7. Definitions
8. Grant-in-aid
9. General conditions of grant-in-aid
10. Vesting of management
11. Responsibility of management
12. Government to withhold, withdraw or reduce grants
13. Opening of joint account
14. Types of grants to colleges
15. Salary grants
16. Grant towards loss of fee income
17. Payment of salaries to employees
18. Collection and use of fees from students

#### **CHAPTER 5 :- Accounts, audit, inspection and returns**

19. Competent Authority

#### **CHAPTER 6 :- Ancillary Services**

20. Medical examination and health service
21. Recreation and physical training
22. Guidance service

## 23. Library Service

### **CHAPTER 7 :-**Terms and conditions of service of employees in private aided educational institutions

#### 24. Definitions

#### 25. Qualification and conditions of service of employees

#### 26. Age

#### 27. Pay and allowances of teachers and other employees

#### 28. Schedule of employees and method of recruitment

#### 29. Period of probation

#### 30. Seniority

#### 31. Termination and resignation

#### 32. Nature of penalties

#### 33. Disciplinary Authorities

#### 34. Suspension

#### 35. Subsistence allowance during suspension

#### 36. Leave while under suspension

#### 37. Authority to institute proceedings

#### 38. Procedure for imposing major penalties

#### 39. Non-payment of salary arrears in certain cases

#### 40. Communication of orders

#### 41. General

#### 42. Criticism of Government

#### 43. Subscription

#### 44. Canvassing of non-official or other influence

#### 45. Gifts

#### 46. Public demonstration in honour of employees

#### 47. Private trade or employment

#### 48. Authorship of textbooks for use in recognised educational institutions

#### 49. Proper use of amenities

#### 50. Use of services without payment

#### 51. Investment, lending and borrowing

#### 52. Insolvency and habitual indebtedness

#### 53. Movable, immovable and valuable property

#### 54. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc

#### 55. Guardianship of minor

#### 56. Personal representations of the employees

#### 57. Bigamous marriage

#### 58. Consumption of intoxicating drinks and drugs

#### 59. Leave rules

#### 60. Compensation

### **CHAPTER 8 :-** Control of private educational institutions

#### 61. The duties and the code of conduct for the Governing Council

#### 62. Furnishing of list of properties

#### 63. Utilisation of funds and properties of the institution

#### 64. Accounting of deposit of institutions funds

65. Closure of institutions, etc

66. Appeal under these rules

## **KARNATAKA EDUCATIONAL INSTITUTIONS (COLLEGIATE EDUCATION) RULES, 2003**

Whereas, the draft of the Karnataka Educational Institutions (Collegiate Education) Rules, 2003 was published as required by sub-section (1) of Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), in Notification No. ED 551 UPC 99, dated 18-3-2003 in Part IV-A of the Karnataka Gazette, Extraordinary No. 280, dated 18-3-2003, inviting objections and suggestions from the persons likely to be affected thereby. Whereas, said Gazette was made available to the public on 18-3-2003. And whereas, no objections and suggestions have been received in this regard by the Government. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby makes the following rules, namely:

### CHAPTER 1

#### General

#### **1. Title, application and commencement :-**

(1) These rules may be called the Karnataka Educational Institutions (Collegiate Education) Rules, 2003.

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

(3) Notwithstanding anything contained in the rules made under the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), these rules shall apply to all Government, local authority, private aided affiliated colleges under the control of the Department of Collegiate Education in Karnataka. Where the provision of these rules are silent on any aspect of regulation, the provisions contained in other rules made under the Act may with the previous approval of the Government be applied to private aided institutions under the Department of Collegiate Education, with the modification that the Commissioner of Collegiate Education or the Director of Collegiate Education as the case may be shall be the Head of the Department of Collegiate Education.

#### **2. Definitions :-**

(1) In these rules, unless the context otherwise requires.

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

(b) "Additional Director" means the Additional Director of Collegiate Education in Karnataka;

(c) "Assistant Director" means the Assistant Director of Collegiate Education in Karnataka;

(d) "College" means a Government, local authority or a Private Aided Arts, Science, Commerce or Law College affiliated to the University under Section 59 of the Karnataka State Universities Act, 2000 (Karnataka Act 29 of 2001) imparting sound and secular instruction;

(e) "Commissioner" means the Commissioner of Collegiate Education in Karnataka;

(f) "Department" means the Department of Collegiate Education in Karnataka;

(g) "Deputy Director" means the Deputy Director of Collegiate Education in Karnataka;

(h) "Director" means the Director of Collegiate Education in Karnataka;

(i) "Form" means a Form appended to these rules;

(j) "Government" means the Government of Karnataka;

(k) "Institution" means a College with or without hostel, as the case may be;

(l) "Joint Director" means the Joint Director of Collegiate Education in Karnataka;

(m) "Lecturer - Selection Grade, Senior Scale or Lecturer" means Selection Grade, Senior Scale or Lecturer in the Department of Collegiate Education;

(n) "Management" means a Governing Council or a Managing Committee by whatever name called of an educational institution to which the affairs of the said institutions are entrusted;

(o) "Principal, Grade II" means Principal, Grade II of the Department of Collegiate Education in Karnataka;

(p) "Principal, Grade I" means Principal, Grade I of the Department of Collegiate Education in Karnataka;

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

(r) "University" means a University established under Section 3 of the Karnataka State Universities Act, 2000 (Karnataka Act 29 of 2001);

(s) "Year" means academic year or financial year as the context may imply.

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

## CHAPTER 2

Officers of the Department of Collegiate Education in Karnataka

### **3. The powers and functions of the officers of the Department shall be as follows :-**

(1) Commissioner. The Commissioner shall have overall responsibility for the efficient and smooth functioning of the department. He shall review the functioning of the department keeping in view the administrative problems and introduce scientific measures for improving administration in the department. He shall exercise such powers as are necessary to implement the policies and programmes of the Government. He shall issue such general or special directions from time to time to the officers in charge of administration to attend the matters relating to their sections in accordance with the administrative orders. The Commissioner may call any papers/file relating to any section and pass such orders, as he deems fit. The Commissioner may delegate such administrative powers to such officers as he considers necessary.

(2) Director. The Director shall have such powers and shall perform such functions as entrusted by the Commissioner for efficient and smooth functioning of the department. He shall assist the Commissioner in all administrative and academic matters.

(3) Additional Director. Additional Director shall have such powers and shall perform such functions as entrusted by the Commissioner. He will assist the Commissioner/Director in administrative and academic matters.

(4) Joint Director. Joint Director shall discharge such duties as may

be entrusted to him by the Commissioner or Director. He is responsible for strict compliance of the rules and procedures in the transaction of Government Business. He shall place all relevant facts relating to the case and send necessary suggestions either in writing or orally before or at the time of passing final orders by the Commissioner or Director. He will invite the attention of the Commissioner or Director to rule or law or the declared policies of the Government and suggest course of action to be taken. He shall exercise such powers as are necessary to execute the directions/instructions or the Commissioner or Director.

(5) Deputy Director. The Deputy Director is subject to the general control and supervision of such officers as may be determined by the Commissioner or Director or Joint Director will be in charge of a particular section. He shall take such decisions as are necessary for disposal of all cases as per rules. He shall be responsible for the efficient and smooth functioning of the section assigned to him. He is authorised to issue orders in the name of the Commissioner or Director after proper processing of cases and approval of the Commissioner or Director. He shall exercise such powers as are entrusted to him by the Commissioner or Director.

(6) Accounts Officer. The Accounts Officer shall exercise such administrative powers as are assigned under relevant rules, regulations, notifications and Government Orders. The Accounts Officer shall also exercise such administrative powers, as are entrusted to him by the Commissioner/Director. He shall be responsible for maintenance of proper accounts in the Regional Offices. He shall also issue instructions, guidelines etc., to the colleges for proper maintenance of accounts.

(7) Assistant Director. He shall exercise control over the section or sections under in his charge both in regard to the transaction of business and in regard to discipline and control. It is his duty to avoid superfluous noting and verbosity of language whether in notes or draft in observance of all rules pertaining to office notes, drafting, referencing, indexing, recording, etc., and to ensure that the careless and dilatory subordinates are admonished by the Director. He may pass orders approving a proposal, which is statistical in nature. In other cases, he shall refer the file for orders duly expressing his views on the issue involved in the case.

(8) Gazetted Manager. Is primarily responsible for the efficiency of his section and for the efficient and expeditious dispatch of

business at all stages. He shall be well-acquainted with Government Orders, Rules and procedures and shall guide the section and advise his superior officers in accordance with rules. He shall perform any action as may be assigned by the Supervisory Officer/Government.

(9) The Commissioner/Director may issue such work allocation specifying the powers and functions of all officers and staff of the Department.

### CHAPTER 3

Management of Aided Private Educational Institutions and Local Authority Institutions

## **4. The Management of Aided Private Educational Institution** :-

(1) The Governing Council shall have the power to appoint the head of the institution with prior approval of the Competent Authority in the Department.

(2) The Governing Council shall have the power to take disciplinary action against the head of the institution.

(3) The Managing Committee shall consist of at least two representatives of parents selected in the manner specified below.

(a) if the nomination exceeds two, the parents shall be invited to elect the representatives on a specified date and time;

(b) on the date and time scheduled for election the nomination may be read out to the parents present at the meeting;

(c) the voting shall be by raising of hands;

## **5. President and Secretary :-**

There shall be a President and a Secretary for every Managing Committee appointed from among its members. The powers, duties and functions of the President and Secretary shall be as follows.

(a) The President shall be the Chief Controlling Authority. He shall preside over all meetings of the Managing Committee.

(b) He shall supervise the work of the Secretary and shall from time to time issue such instructions as may be necessary for the due performance of the duties of the Secretary and for convening and holding the meetings.

(c) 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 institution and all acts done by the Secretary in connection with the affairs of the educational institution shall be binding on the Governing Council.

Provided that the Governing Council may within a period of fifteen days from the date of the aforesaid acts of the Secretary, modify or cancel such act.

(d) Besides the duties as may be entrusted to him/her by the Managing Committee, the following shall be the duties of the Secretary, namely.

(i) he shall be responsible for the orderly working of the office of the Managing Committee; and

(ii) he shall be responsible for due implementation of all resolutions passed by the Managing Committee.

(e) The Secretary shall be the custodian of all the property and records of the institution 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 entrusted by the President from time to time.

## **6. Meeting of the Managing Committee :-**

(1) The Managing Committee shall meet at least once in three months. In the cases of emergency it may meet any number of times as the circumstances demand.

(2) The quorum at the meeting shall be one-third of the number of members or five, whichever is higher.

(3) The Member Secretary in consultation with the President shall give at least fifteen days notice to all the members of the Managing Committee clearly stating the date, time, venue and the agenda of the meeting. In the case of emergent meeting the members shall be given at least five days notice.

(4) Every point on the agenda shall be thoroughly discussed at the meeting and decisions shall be arrived at by a simple 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.



**7. Definitions :-**

For the purpose of this chapter.

(a) 'Bank' means a commercial or a Co-operative Bank designated by the Director;

(b) 'Employee' means an employee, teacher or otherwise, appointed by the management to a post in the institution and approved by the Director subject to such conditions as he may specify consistent with rules approved by Government from time to time relating to appointment of employees in private aided institutions;

(c) 'Institution' means a private aided college which has an average daily attendance of not less than 80 students in a term in one discipline;

(d) 'Principal' means the teacher of the institution appointed as such by the management and he is the head of the institution.

**8. Grant-in-aid :-**

(1) All private educational institutions established or permitted to be established prior to the first day of June, 1987, and started functioning from the academic year 1987-88 and onwards and also subjects/colleges established or permitted to be established with effect from first day of June, 1987 shall be permanently ineligible for grant-in-aid.

(2) Vacant and unapproved posts of non-teaching staff as on 1-3-2001 shall be permanently unaided. Any vacancies in the non-teaching posts which have arisen after 1-3-2001 on account of retirement, resignation, removal, dismissal and death etc., are to remain permanently unaided. Such vacancies which are unaided shall be filled by the management and salary and other allowances shall be paid from its own resources.

(3) Grant-in-aid cannot be claimed as a matter of right.

**9. General conditions of grant-in-aid :-**

Every institution on behalf of which grant-in-aid is sought shall be under the control of a 'Management' which shall undertake to be answerable for the maintenance of the institution and for the due fulfillment of infrastructure, etc., as per Appendix II to these rules

or production of minimum B grade status accreditation certificate issued by the National Assessment and Accreditation Council.

**10. Vesting of management :-**

The management shall vest, in the Principal of the institution, the power to transact on its behalf with the department the current business of the institution.

**11. Responsibility of management :-**

Every management shall be responsible.

(a) to strictly fulfill in the case of college, the conditions of affiliation as laid down in the statutes and ordinance, etc., of the concerned University;

(b) to report to the Commissioner of Collegiate Education without delay all changes in its constitution;

(c) to subject the colleges to the inspection by the officers of the Department designated for the purpose;

(d) to afford all convenience to the officers of the State Government and of the Indian Audit Department deputed to audit the initial and other accounts of the institutions and of the management;

(e) to strictly abide by the instructions or verdict of the inspecting or auditing agencies referred to at clauses (c) and (d);

(f) to keep such accounts and render to the Department such returns and reports as required under these rules;

(g) to appoint the principal on the basis of Government Orders issued from time to time;

(h) to give effect to any policy decisions of Government from time to time.

**12. Government to withhold, withdraw or reduce grants :-**

(1) Annual grants payable to existing private aided colleges may be withdrawn, withheld or reduced by the State Government under these rules having regard to the funds at the disposal of the State Government and conduct and efficiency and the financial condition of such institutions under the following circumstances, namely.

(a) has been disaffiliated by the concerned University;

(b) in respect of a Department or course which has not been affiliated by the concerned University;

(c) denies admission to any pupil merely on grounds of creed, class, caste, gender or all of them or because the pupils have secured a low percentage of marks despite having vacancies;

(d) 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;

(e) which takes part in political agitation directed against the authority of the Government, or inculcates opinions intending to excite feelings of political disloyalty or disaffection among the pupils;

(f) directly or indirectly, encourages any propaganda or practice of wounding the religious feelings of any class of citizens of India or insults the caste or religion or the religious beliefs of that class; or which acts in a way prejudicial to the national interest;

(g) which is found guilty of falsification of its accounts or other records, of misrepresentation of facts including presentation of false claims and/or of commission of any other fraud or irregularity.

(h) which spends any portion of its income for purposes unconnected with the institution;

(i) violates orders passed from time to time by the Competent Authority or by the State Government;

(j) 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;

(k) 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 arrears of salary or other benefits when directed to do so by the Competent Authority;

(l) fails to provide the infrastructural facilities specified in Appendix II to these rules or fails to produce the minimum B grade certificate issued by the National Assessment and Accreditation Council.

(2) The payment of grants is subject in all cases to the availability of funds in the State budget under the head concerned.

(3) Applications for annual grant-in-aid shall in all cases contain a declaration signed by the Principal of the institution on behalf of the management, to the effect that the rules in these rules governing the payment of grant-in-aid are being and will be observed by the management, fully and faithfully.

**13. Opening of joint account :-**

The Managing Committee of any Educational Institution for which the grant-in-aid is paid under these rules, the Director shall have power to operate the joint account in any manner he may decide, including amending, cancelling, withholding or postponing any payment of deduction, ordered by the Principal. In case of violation of Government Order, circulars, Commissioner/Director's orders and circulars, in approval of appointment, transfers, etc., the Commissioner for Collegiate Education/Government shall have power to stop the Principal's salary or salary grant to the college/colleges.

**14. Types of grants to colleges :-**

The following are the two types of grants payable to colleges subject to the general conditions laid down in these rules.

- (a) Salary grants to teaching and non-teaching staff; and
- (b) Grant towards loss of fee income.

**15. Salary grants :-**

(1) The payment of salary grant is subject to the following conditions, namely.

- (a) That the college had an average daily attendance per term of not less than eighty pupils;
- (b) That the college worked during each term for not less than the number of working days fixed by the University;
- (c) That the qualifications of the members of the staff were the same as those prescribed for corresponding posts in Government Colleges; and
- (d) The college has submitted the detailed report in respect of infrastructural facility as detailed in Appendix I appended to these rules;
- (e) Every college shall have the infrastructural facilities as specified in Appendix II. Such of those colleges which do not conform to the

requirements of infrastructural facilities as detailed in Appendix II shall fulfill the requirements within two years from the commencement of these rules failing which grant-in-aid would be withdrawn;

(f) Every college shall obtain a B grade certificate of Assessment and Accreditation by National Assessment and Accreditation Council within the period specified by the Government.

(2) The application for salary grants shall be in Form 1.

**16. Grant towards loss of fee income :-**

(1) A grant equal to the loss in its fee income at management rates or Government rates, whichever is less may be paid to a college on account of award of free concessions, scholarships, carrying freeships or half-freeships including refund of fees. For this purpose 'Tee income' shall constitute such items of fees as are taken into account under the Defence Scholarship and SC/ST Scholarship and tuition fees, examination fees in respect of those whose income is less than Rs. 11,000/- per annum or any other Scholarships for the time being in force.

(2) The grants shall be claimed in application in Form 2 compensation for loss of fee income at Government rates will be paid to a college before the 31st March in every academic year in which such loss incurred by the award of fee concessions, scholarships, carrying freeships or half-freeships, including refund of fees. Such compensation should be claimed in two installments after the freeship and scholarship lists are published.

**17. Payment of salaries to employees :-**

(1) The State Government may pay to the employees salary grant the quantum of which shall be as determined by the State Government from time to time.

(2) The Commissioner may approve before the 1st of January each year, a statement of monthly salaries, allowances and increments payable during that year to each employee and shall forward copies of the statement to the Principal and the Bank. The Commissioner of Collegiate Education shall also forward in like manner supplementary statements relating to employees appointed or terminated during the year.

(3) The Director of Collegiate Education may open a joint account

in the Bank in the names of the Director and the Principal duly authorised by the management, the Principal shall cause every employee to open an individual account in the same Bank.

(4) The Principal shall authorise the Bank, through a consolidated salary bill in such form as the Director shall prescribe, to the transfer on the first day of each month from the joint account to the individual account of each employee a net amount equal to the salary and allowances of the whole or part of the previous month during which period he was on duty reduced by the amounts to be deducted towards life insurance premia, provident fund, profession tax, income-tax and other statutory salary deductions. The Principal shall also authorise the Bank to transfer the deductions so made to the respective Government agencies for credit to the accounts of the employees. The Principal shall send copies of all authorisations to the Director.

(5) The Principal may deduct from the salary any other amount with the prior approval of the Director but shall not authorise payment of any amount not included or in excess of the amount approved in the statement or of any arrears. The Principal shall give no authority to operate the joint account for any other purpose.

(6) The Director shall have power to operate the joint account in any manner he may decide, including amending, cancelling, withholding or postponing any payment or deduction ordered by the Principal. In particular, the Director shall have power to stop Principal's salary for violation of any duties cast on him under these rules or for any payment to employees who are not in service or on duty with the prescribed instruction load.

### **18. Collection and use of fees from students :-**

(1) The Managing Committee shall collect tuition and laboratory fees from the students at rates not exceeding twice the standard rates fixed by the Government or as fixed by the Government from time to time.

(2) The Managing Committee may collect specific fees for the following purposes, namely, library, college, examination, magazine, sports, reading room, association/union at such rates as will be adequate for the purposes of meeting expenditure for such purpose for which they are intended and for no other purpose.

- (3) The Managing Committee shall authorise the Principal to remit fees collected to the credit of the joint account on the same day as the fees are collected.
- (4) The Managing Committee shall credit all fees collected under sub-rule (1) to the joint account and collected under sub-rule (2) to the college account opened in the same Bank out of the fees collected. The management shall authorise the Bank to furnish to the Director a monthly statement of the college account.
- (5) Subject to sub-rule (2), the current maintenance expenditures of the institution on (a) Contingencies; (b) Consumable materials; and (c) Replacement of laboratory and office equipment shall be met out of the balance available in the college account.
- (6) If a surplus is left in the college account after meeting the expenditures in sub-rule (6) of such surplus, upto 10% of the total annual salaries, may be used for expenditures on (a) The payment of rent and interest on loans approved by Government, (b) Repairs, (c) Constructions of Buildings, and (d) Such other purposes as may be approved by the Government.
- (7) Any surplus in excess of 10% of the total annual salaries shall be credited to the joint account.
- (8) Notwithstanding anything contained in this rule, Managing Committee shall remit the total amount from the college account to the credit of the joint account at the end of March, June, September and December, any differences existing on those dates between the amount of fees due to be remitted under sub-rule (4) in respect of students enrolled and the amount of fees actually remitted, the Director may, by order in writing exempt the remittance of the whole or part of any fees charged by the management in respect of students to whom fee concessions, all type of scholarships carrying full or half-freeships have been granted or fees have been refunded.
- (9) The fees and any other amounts collected on behalf of the students of an institution shall not be used for the purpose of any other institution.
- (10) All fees, receipts and other income and all expenditure be fully exhibited in the annual financial statement which shall be submitted to the Director prepared in such form as he may specify duly audited by a Chartered Accountant, before the end of July of

each year. The Managing Committee shall, if it is governed by the Karnataka Societies Registration Act, 1960, submit to the Director a certificate of compliance under Section 13 thereof the Rule 6 of the Rules made thereunder in respect of the accounts of the society for the calendar year previous to the year expired.

(11) The expenditure on items referred to in sub-rule (2) shall be separately furnished in such form as may be specified by the Commissioner.

(12) The Managing Committee shall be deemed to have vested in the Principal all powers necessary for the discharge of his functions under this rule and for the transaction of all the Administrative Business of the institution with the Commissioner.

(13) If the Managing Committee or Principal fails to discharge their obligations, the Commissioner shall have powers to restrict that all fees and other dues shall be paid by students directly into the joint account and/or to reduce the salary grants by the amount of fees remaining to be remitted under these rules.

(14) The Managing Committee shall not take part in political agitation directed against the authority of the State Government or foster opinion intending to excite feelings of disloyalty or disaffection among students.

(15) The management shall.

(a) Strictly fulfil, in the case of the institution, the conditions of affiliation as laid down in the statutes, ordinances and regulations of the University;

(b) Report to the Director without delay all changes in its constitutions and in the personnel or the Principals of the institutions; and

(c) Subject the institution to the inspection by the officers of the department designated for the purpose.

(16) The Managing Committee shall be responsible and liable for the due and prompt observance of the compliance with all the terms and conditions of rule.

(17) In case the Managing Committee commits breach of all or any of the terms and conditions herein contained or if it falsifies its accounts or other records or misrepresents facts or commits fraud,



the Government shall have the power and authority to stop, discontinue withhold all or any of the payments to the management and/or to the employees under these rules and also to recover from the management the amounts found due to the Government under these rules.

(18) If it is found at any time that any wrong payment has been made by the Director to the management by mistake or otherwise, the management shall refund the same to the Government immediately or on demand.

(19) All sums found due to the Government under or by virtue of these rules shall be recoverable from the management under the provisions of the Karnataka Land Revenue Act as though such sums are arrears of land revenue and also in any other manner as the Government may deem fit.

#### CHAPTER 5

Accounts, audit, inspection and returns

### **19. Competent Authority :-**

(1) The Regional Joint Director of Collegiate Education shall be the Competent Authority for this chapter.

(2) The maintenance of accounts, audit of accounts, inspection and submission of returns of all private aided colleges receiving grants out of State funds and other sources shall be in accordance with the Indian Audit and Accounts Manual.

#### CHAPTER 6

Ancillary Services

### **20. Medical examination and health service :-**

(1) Every institution shall arrange medical examination of the students by a Medical Officer not below the rank of an Assistant Surgeon of Government Hospital or a registered Medical Practitioner with a minimum qualification of M.B.B.S. After the examination the Medical Officer shall make entries in the health records of every student.

(2) It shall be the duty of the head of the institution to maintain the health records and make facilities for medical check up.

(3) The head of the institution shall get the approval of the Competent Authority for appointing a doctor other than a Government Doctor, for Medical Examination and to provide

medicines to the student.

(4) The expenses in respect of Medical Examination of the students and the medicine given to students shall be met out of the medical fees collected from the students. Any short fall shall be borne by the institution.

(5) The head of the institution shall maintain accounts of all such expenditure and shall submit it for verification to the Competent Authority at the time of inspection.

(6) Every institution shall give proper attention to all factors relating to health of students and make them health conscious. In addition to these provisions and subject to other rules made in this behalf, the institutions shall give particular attention:

(a) to the personal and social hygiene of students;

(b) for making provision, in the timetable for intervals of rest;

(c) to take measures for safety;

(d) to provide for pure drinking water;

(e) to take steps to stop sale of unhygienic or harmful food, drinks or eatables in or near the premises of the institution.

### **21. Recreation and physical training :-**

It shall be the responsibility of the Managing Committee of every institution to provide facility for physical educational activities, such as different sports and games, summer camps, vocation classes, mass activity and such other activities which may include discipline. In addition to the above the Managing Committee may endeavor to provide facilities for physical fitness and encourage the students to gain courage, patriotism and the spirit of co-operation. The Managing Committee may with the help of parents and if necessary with the co-operation of Non-Governmental Organisations conduct special camps to students, to enable them to know about cleanliness, hygiene, spirit of group living, mutual trust and brotherhood etc.

### **22. Guidance service :-**

The Managing Committee of every institution shall endeavor to provide for guidance and conducting appropriate courses. To achieve this the management may create a guidance cell, which shall consist of two most senior teachers and of whom one shall be

a woman. The cell shall meet once in two months to identify the problems of the students and to discuss the remedial measures. The cell may utilize the services of Non-Governmental Organisations, Doctors, etc., as they deem fit. The Managing Committee shall provide necessary guidance materials like brochures, leaflets etc., to the students.

### **23. Library Service :-**

(1) The Managing Committee of every institution shall provide adequate library facilities to the students.

(2) A separate building or rooms shall be provided for the purpose of providing library facilities. The number of books in the library shall be commensurate with the strength of the students. The books may include textbooks of varied interest. The books shall be selected according to the age group and interests of the students.

(3) The books shall also include reference books, textbooks, maps, dictionary and such other books as may be necessary for reference for the teachers and students.

(4) The library and the reading room shall be open for the students at least one hour before commencement of the classes and one hour after the closure of classes on all the working days.

(5) For supervision and development of the library every institution shall appoint a librarian with necessary qualification or a teacher with attitude and qualification may be placed in additional charge of library and it will be the duty of such person to maintain the library.

### **CHAPTER 7**

Terms and conditions of service of employees in private aided educational institutions

### **24. Definitions :-**

In this chapter unless the context otherwise requires.

(a) "Heads of the Department" means

(i) Commissioner for Collegiate Education;

(ii) Director of Collegiate Education;

(b) "Controlling Authority" means Commissioner for Collegiate Education and Director of Collegiate Education in case of colleges including evening colleges and law colleges;

(c) Words used but not defined shall have the meaning assigned to them in the Karnataka Civil Services Rules or rules made or deemed to have been made under the Karnataka Civil Services Act, 1978 (Karnataka Act 14 of 1990).

**25. Qualification and conditions of service of employees :-**

The minimum qualification for recruitment, age of recruitment and retirement for employees in Private Educational Institutions receiving aid from the State Government shall be the same as those applicable for the corresponding category of employees in the Government Educational Institutions.

**26. Age :-**

No employee, who is not within the age limit prescribed for recruitment to corresponding posts in the Government Educational Institutions shall be eligible for appointment to any post in any institution.

**27. Pay and allowances of teachers and other employees :-**

The scale of pay of an employee of an institution shall not be lower than the scale of pay of an employee of a corresponding post in the Government Educational Institutions.

**28. Schedule of employees and method of recruitment :-**

Every private education institution shall maintain a schedule of employees indicating therein the name, grade of pay and other particulars in respect of each employee, as in Form 6.

**29. Period of probation :-**

A person appointed under Rule 29 shall be on probation for a period of two years:

Provided that the board of management may extend the period of probation by a further period of six months.

**30. Seniority :-**

The management of the institution shall prepare and maintain every year a separate seniority list of employees of each category of posts in the institution. The management which run more than one institution shall prepare and maintain a combined seniority list of employees of each category of posts.

**31. Termination and resignation :-**

(1) The services of an employee employed for a specified period not exceeding three months or a part-time employee employed for a

specified period of less than a year for a specified period may be terminated at the end of the specified period without assigning any reasons.

(2) Any employee may resign from service by giving one month's notice in writing to the Appointing Authority or one month's salary in lieu thereof. A copy of such notice shall be sent to the Head of the Department or a person authorised by him, who shall call the employee to appear before him for verifying the contents of resignation notice and shall forward it to the Appointing Authority for acceptance, if the resignation is found to be voluntary. The Appointing Authority shall not accept the resignation until the notice is forwarded to it by the Head of Department.

### **32. Nature of penalties :-**

One or more of the following penalties for good and efficient reasons and as hereinafter provided may be imposed on the employees, namely.

(i) fine, in the case of peons and attenders only;

(ii) censure;

(in) withholding of increments;

(iv) withholding of promotions;

(v) recovery from pay of the employees in whole or part of any pecuniary loss caused by negligence or breach of orders of the Board of Management, the State Government, the Central Government or any other State Government, any person, body or authority to whom the services of the employee had been lent;

(vi) reduction to a lower stage in a timescale of pay for a specified period with further direction as to whether or not the employee will earn increments to pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect on postponing the future increments of his pay;

(vii) reduction to a lower timescale of pay, grade, post or service which shall, unless otherwise directed, be a bar to the promotion of the employee to the timescale of pay, grade, post or service from which he was reduced with or without further directions regarding.

(a) seniority and pay in the scale of pay, grade, post or service to which the employee is reduced;

(b) conditions of restoration to the scale of pay, grade or post or service from which the employee was reduced and his seniority and pay on such restoration to the scale of pay, grade, post or service;

(viii) compulsory retirement;

(ix) removal from service which shall not be disqualification for future employment;

(x) dismissal from service which shall ordinarily be a disqualification for future employment:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of the disciplinary authority, no penalty other than those specified in clauses (vi) to (x) shall be imposed for an established charge of corruption:

Provided further that every order of private management regarding suspension, dismissal or removal from service, etc., shall be issued after prior approval by the Competent Authority which approved the appointment.

Explanation 1. For the purpose of this proviso, the expression "corruption" shall have the same meaning assigned to the expression "criminal misconduct by a public servant" in Section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) or the meaning assigned to the expressions "taking gratification other than legal remuneration in respect of an official act" and "obtaining valuable thing without consideration" in Section 165 respectively of the Indian Penal Code.

Explanation 2. The following shall not amount to be penalty within the meaning of this rule.

(i) non-promotion, whether in a substantive or officiating capacity of an employee after consideration of his case to a grade or post for promotion to which he is eligible;

(ii) reversion to a lower service, grade or post of an employee officiating in a higher service, grade or post on the ground that he is considered after trial to be unsuitable for such higher service, grade or post or on administrative grounds connected with his conduct (such as the return of the permanent incumbent from leave or deputation, availability of a more suitable officer);

(iii) reversion to his permanent service, grade or post of an

employee appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and others governing probation;

(iv) compulsory retirement of an employee in accordance with the provision relating to his superannuation or retirement;

(v) termination of service

(a) of an employee appointed for three months or less;

(b) of a part-time employee appointed for a period less than a year;

(c) of a person employed under an agreement in accordance with the terms of such agreement;

(vi) retrenchment of an employee.

### **33. Disciplinary Authorities :-**

(1) The Board of Management may impose any of the penalties specified under Rule 32 on any employee.

(2) Without prejudice to the provision of sub-rule (1) but subject to the provisions of sub-rule (3).

(a) the head of the institution may impose any of the penalties specified in clauses (i) and (ii) of Rule 32;

(b) the Board of Management may impose any of penalties specified in clauses (iii) to (v) of Rule 32.

(3) The Board of management shall be competent to impose penalties (i) to (x).

(4) Notwithstanding anything contained in these rules, no penalty specified in clauses (vi) to (x) of Rule 32 shall be imposed by any authority lower than Appointing Authority.

### **34. Suspension :-**

(1) The Appointing Authority may place an employee under suspension under the following circumstances and conditions after obtaining the necessary permission from the controlling authority failing which the management shall be held responsible for all the consequences which may arise in future.

- (i) a disciplinary proceeding against an employee is contemplated or pending; or
- (ii) a case against an employee in respect of any criminal offence is under police investigation or Court trial; or
- (iii) a preliminary inquiry against an employee has made not a "prima facie" case which would justify disciplinary proceeding or criminal prosecution against him and the proceedings are likely to end in his conviction and/or dismissal or removal from service; and

The disciplinary proceeding or criminal offences involves one or more of the following misdemeanor.

- (i) moral turpitude;
- (ii) corruption, embezzlement or misappropriation of the institution's money, possession of assets disproportionate to one's known sources of income, misuse of official powers for personal gain;
- (iii) serious negligence and dereliction of duty resulting in considerable loss to the institutions;
- (iv) dereliction of duty;
- (v) refusal or deliberate failure to carry out written orders of superior authority; and

The conditions in office of the employee.

- (i) will prejudice the disciplinary proceeding, criminal investigation or trial; or
- (ii) is likely to seriously subvert discipline in the office in which he is working; or
- (iii) is likely to lead to a public scandal.

(2) An employee shall be deemed to have been placed under suspension by an order of Appointing Authority after given the information of the order of the private management to the controlling authority

- (a) with effect from the date of his detention, if he is detained in custody whether on criminal charge or otherwise for a period exceeding forty-eight hours;
- (b) with effect from the date of his conviction, if in the event of a



conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation. The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in his appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the Disciplinary Authority on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5)

(a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority to do so.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise any other disciplinary proceeding is commenced against him during the continuance of that suspension), the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the employee shall

continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

### **35. Subsistence allowance during suspension :-**

(1) Every employee placed under suspension shall be entitled to the following payment, namely.

(a) Subsistence allowance at an amount equivalent to fifty per cent of the pay drawn immediately prior to the date of suspension, for the first six months after the date of suspension, additional dearness allowance, if admissible, on the basis of the amount of such subsistence allowance:

Provided that where the period of suspension exceeds six months, the authority made or deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first twelve months as follows.

(i) the amount of subsistence allowance may be increased to an amount equal to seventy-five per cent of the pay drawn immediately prior to the date of suspension if in the opinion of the said authority the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee;

(ii) the amount of subsistence allowance to be reduced by suitable amount not exceeding fifty per cent for first twelve months, if in the opinion of the said authority the period of suspension has been prolonged due to the reasons to be recorded in writing directly attributable to the employee;

(iii) the rates of dearness allowance will be based on the increased or as the case may be the decreased amount of subsistence allowance admissible under sub-clause (i) or (ii):

(a) Provided further that when an employee is convicted by a Competent Court and sentenced to imprisonment, the subsistence allowance shall, pending the result of an appeal to a higher Court, be reduced to the nominal amount of one rupee per month and the

question of paying him pay or allowance either in full or in part for the period of conviction and sentence till the decision of the Appellate Court in the event of an appeal being filed be considered by the Board of management after the appeal is decided.

(b) Each claim, for subsistence allowance should be supported by a certificate by the employee concerned to the effect that he was not engaged in any employment, business, profession or vocation during the period to which the claim relates.

(2) Where an employee who has been dismissed, removed, compulsorily retired or suspended or reinstated or would have been suspended, the authority competent to order the reinstatement shall consider and make a specific order.

(a) regarding the pay and allowances to be paid to the employee for the period of his absence from duty or for the period of suspension ending with the date of retirement on superannuation as the case may be; and

(b) whether or not the said period shall be treated as the period spent on duty.

(3) Where such Competent Authority holds that the employee has been fully exonerated the employee shall be given the full pay to which he would have been entitled had he not been dismissed, or removed from service and the period of absence from duty shall be treated as a period spent on duty for all purposes.

(4) In other cases, the employee shall be given such proportion of such pay and allowance, as the Competent Authority may prescribe and the period of absence from duty shall not be treated as period spent on duty unless the Competent Authority specifically directs that it shall be so treated for any specified purpose:

Provided that the payment of allowance under sub-rule (2) or (3) shall be subject to all other conditions under which such allowances are admissible:

Provided further that such proportion of such pay and allowance shall not be less than subsistence allowance and other allowance admissible under these rules.

(5) Where on the conclusion, of the inquiry against an employee placed under suspension, the authority competent to impose any punishment.

(i) makes an order fully exonerating or acquitting him the period during which he was under suspension pending the enquiry shall be deemed to be the period of duty and the employee to be entitled to full pay and allowance as if he had not been under suspension;

(ii) makes an order imposing any penalty other than the penalty or compulsory retirement, removal from service or dismissal from the service, the employee shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in its discretion specify; and where no such proportion is specified, the employee shall be entitled to subsistence allowance admissible under these rules and the period of suspension shall count as duty unless the said authority has otherwise directed;

(iii) makes an order imposing the penalty of compulsory retirement, removal from service or dismissal, shall be paid for the period of suspension such proportion of his pay and allowance as the said authority may in its discretion specify and where no such proportion is specified, the subsistence allowance admissible under these rules and the period of suspension shall not count as duty for any purpose unless the said authority has otherwise directed.

### **36. Leave while under suspension :-**

(1) Leave of absence for a definite period is not admissible to an employee who has been suspended from duty without obtaining the permission of the authority competent to fill up the appointment of an employee under suspension should not leave the station where his office is situated.

(2) No payment of subsistence allowance shall be made unless the employee continues to reside in the station where his office is situated or in the station in which he is permitted by the authority which made or which is deemed to have made the order of suspension.

### **37. Authority to institute proceedings :-**

(1) The Board of Management may impose on the employee any of the penalties specified in clauses (i) to (v) of Rule 32 after.

(a) informing the employee in writing of proposal to take action against him through articles of charges and of imputation of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity making such

representation as he may make against the proposals; and

(b) such representation or explanation, if any, is considered by the Board of Management, Manager or the Head of the institution as the case may be.

(2) The record of proceedings in such cases shall include.

(i) a copy of the intimation to the employee of the proposal to take action against him;

(ii) a copy of the statement of imputation of misconduct or misbehaviour communicated to him;

(iii) his representation, if any;

(iv) the evidence produced during the inquiry, if any;

(v) the findings on imputation of misconduct, articles of charges or misbehaviour; and

(vi) the orders on the case together with reason therefor.

### **38. Procedure for imposing major penalties :-**

(1) No order imposing any of the penalties specified in clauses (vi) to (x) of Rule 32 shall be made except after an enquiry is held, as far as may be in the manner provided in this rule.

(2) Wherever the management is of the opinion that where there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour or breach of any provision of the code of conduct specified in these rules against an employee, it may appoint an Enquiry Committee consisting of one or more persons not having any dealings of whatever nature with the management or any member thereof or with any employee in the institution or elsewhere. When an Enquiry Committee consists of two or more members, the quorum shall be two.

(3) Where an order of suspension has been made, the Enquiry Committee shall, before proceeding with the enquiry record in writing, whether the said suspension is "prima facie" in accordance with sub-rule (1) of Rule 34.

(4) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the enquiry is proposed to be held. Such charges, together with a statement of allegations on which they are based shall be communicated in writing to the

employee and they shall be required to submit within such time as may be specified by the Enquiry Committee, a written statement of his defense and also to state whether he desires to be heard in person.

(5) The employee shall for the purpose of preparing defense be permitted to inspect and take extracts from such records as he may specify: Provided that permission may be refused if, for reasons to be recorded in writing in the opinion of the Enquiry Committee such records are not relevant for the purpose and it is against the interests of the institution to allow his access thereto.

(6) On receipt of the statement of defense in writing by the employee or if no such statement is received within the time specified, the Enquiry Committee shall proceed with the enquiry.

(7) The Disciplinary Authority may nominate any person present in its case before the Enquiry Committee. The employee may present his case with the assistance of any other person approved by the Enquiry Committee, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority to present its case is a legal practitioner or the Enquiry Committee having regard to the circumstances of the case so permitted.

(8) The Enquiry Committee shall, in the course of the enquiry consider such documentary evidence and take such other evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine witnesses examined in support of the charge and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the employee if he opts to become a witness for himself in the enquiry and the witnesses examined in his defense. If the Enquiry Committee declines to examine any witness on the ground, that his evidence is not relevant of material, it shall record its reasons in writing.

(9) At the conclusion of the enquiry, the Enquiry Committee shall prepare a report of the enquiry, record its findings on each of the charges together with the reason therefor. If in the opinion of the Enquiry Committee, the proceedings of the enquiry establish charges different from those framed, it may record findings on such charges:

Provided that findings on such charges shall not be recorded unless the employee had an opportunity of defending himself against

them.

(10) The record of enquiry shall include.

(i) the charges framed against the employee and the statement of allegations furnished to him;

(ii) his written statement of defense, if any;

(iii) the oral evidence taken in the course of the enquiry;

(iv) the documentary evidence considered in the course of the enquiry;

(v) the orders, if any, made by the Disciplinary Authority and the Enquiry Committee in regard to the enquiry;

(vi) a report setting out the finding on each charge and the reasons therefor; and

(vii) any suggestion of the Enquiry Committee, if it considers necessary for the imposition of any penalty.

(11) The Board of Management shall consider the report of enquiry and record its findings on each charges.

(12) If the Board of Management having regard to its findings on the charges is of the opinion that any of the penalties specified in clauses (vi) to (x) of Rule 31 should be imposed, it shall, furnish to the employee, a copy of the report of Enquiry Committee and a statement of its findings, if any.

(13) The Board of Management shall consider the representation, if any, made by the employee in response to the notice and determine what penalty, if any, should be imposed on the employee and pass appropriate order in the case.

(14) If the Board of Management having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (v) shall be imposed, it shall pass appropriate orders in the case.

(15) Orders passed by the Board of Management under sub-rule (14) shall be communicated to the employee. Any appeal against any of the penalties imposed by the Disciplinary Authority shall lie to the Educational Appellate Tribunal.

### **39. Non-payment of salary arrears in certain cases :-**

If the orders of the Disciplinary Authority imposing penalty of

dismissal or removal or compulsory retirement or reduction in rank etc., is subsequently set aside by the Court or Appellate Authority, the Government shall not be liable to pay salary and pension arrears and such arrears of salary and pension shall be paid by the management only. In case the management takes disciplinary action against any employee without obtaining the approval of the Controlling Authority of the department of collegiate education or contrary to these rules the management will be held solely responsible for all the consequences that may arise due to non-compliance of rules.

**40. Communication of orders :-**

Every order of the Disciplinary Authority or Board of Management imposing any penalty or otherwise affecting his conditions of service to his prejudice, shall be communicated to the employee by the Manager by registered post acknowledgement due, and a copy of the order be sent to the prescribed authority at the same time. Code of conduct for employees of educational institutions.

**41. General :-**

(1) Every employee shall at all time.

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of an employee of an educational institution.

(2)

(a) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority;

(b) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such direction obtain the direction in writing where practicable and where it is not practicable to obtain the direction in writing he shall obtain written confirmation of the direction as soon thereafter as possible.

(3) Professional duties. Every employee shall.

(a) be punctual in attendance in respect of his work and any other



work connected with the duties assigned to him by the head of the institution;

(b) abide by the rules and regulations of the institution and show due respect to the constituted authority;

(c) no employee shall.

(i) knowingly or wilfully neglect his duties;

(ii) while on duty in the institution absent himself (except with the previous permission of the head of the institution) from the institution;

(iii) remain absent from the institution without leave or without previous permission of the head of the institution;

(iv) neglect correction of class-work or homework done by student;

(v) indulge in or encourage any form of malpractice connected with examinations or any other college activity;

(vi) give private tuition;

(vii) prepare or publish any book or books, commonly known as keys, or assist or guides whether directly or indirectly, in their publication without the permission of management.

(4) Communal activity. No employee shall.

(i) practice, propagate or incite any student to practice, propagate casteism, communal or sectarian activity or untouchability;

(ii) discriminate against any person on the ground of caste, creed, religion, language, place of origin, social and cultural background or any of them.

(5) Behaviour in public. No employee shall.

(a) misbehave with or ill-treat any parent, guardian, student, teacher or other employee of the institution;

(b) behave or encourage or incite any student, teacher or other employee to behave in a rude or disorderly manner in the premises of the institution;

(c) indulge in any violence or any conduct which involves moral turpitude;

(d) organize or attend any meeting during the hours of the

institution except when he is required or permitted by the head of the institution to do so;

(e) cause or incite any other person to cause any damage to college/public property.

(6) Taking part in politics and elections.

(a) No employee shall be a member of, or be otherwise associated with any political party or any organization which had taken part in politics nor shall take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(b) It shall be the duty of every employee to endeavor to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly, to be subversive of the Government as by law established and where an employee is unable to prevent a member of his family from taking part in or subscribing in aid of or assisting in any manner, any such movement or activity he shall make a report to that effect to the management.

(c) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of clause (b) the decision of the Government thereon shall be final.

(d) No employee shall canvass or otherwise interfere with or use his influence in connection with or take part in an election to any Legislature or local authority:

Provided that.

(i) an employee qualified to vote in such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) an employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

(7) Joining of association by employee. No employee shall join, or continue to be a member of an association the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or modesty.

(8) Demonstration and strikes. No employee shall.

(i) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of Court, defamation or incitement to an offence; or

(ii) resort to or in any way instigate, incite or abet, any form of strike by any member of employees.

Explanation. For the purpose of this rule "Strike" means cessation of work (including any unauthorised absence from duty) by a body of employees acting in combination or a concerted refusal or a refusal under common understanding of any member of employees to work.

#### **42. Criticism of Government :-**

No employee shall, in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person in any communication to the press or in any public utterance, make any statement of fact or opinion.

(1) which has the effect of an adverse criticism of any current or recent policy in action of the State Government or Central Government or any other State Government:

Provided that nothing contained in this clause shall apply to bona fide expression of views by any employees as an office-bearer of a trade union or association of such employees for the purpose of safeguarding the conditions of service of such employees or for securing an improvement thereof; or

(2) which is capable of embarrassing the relations between the State Government and the Central Government or any other State; or

(3) which is capable of embarrassing relations between the Central Government and the Government of any foreign State: Provided that nothing in this rule shall apply to any statements made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

#### **43. Subscription :-**

No employee shall except with the previous sanction of the management ask for or accept contributions to, or otherwise

associate himself with the raising of any collections in cash or in kind in pursuance of any object whatever.

**44. Canvassing of non-official or other influence :-**

No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the management.

**45. Gifts :-**

(1) Save as otherwise provided in this rule, no employee shall accept or permit any member of his family, or any person acting on his behalf to accept any gift.

Explanation. The expression gift shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the management.

(2) On the occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept gifts from his near relatives but he shall make a report to the management if the value of any such gift exceeds.

(a) rupees five hundred in the case of a member of the teaching staff;

(b) rupees two hundred and fifty in the case of a member of the ministerial staff; and

(c) rupees one hundred in the case of others.

(3) On such occasions as are specified in sub-rule (2) an employee may accept gifts from his personal friends having official dealings with him but he shall make a report to the management if the value of any such gift exceeds.

(a) rupees two hundred in the case of a member of the teaching staff;

(b) rupees one hundred in the case of a member of the ministerial staff; and

(c) rupees fifty in the case of others.

(4) In any other case, an employee shall not accept any gift

without the approval of the management if the value thereof exceeds.

(a) rupees seventy-five in the case of a member of the teaching staff;

(b) rupees twenty-five in the case of others.

**46. Public demonstration in honour of employees :-**

No employee shall except with the previous sanction of the management, receive any complementary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour or in the honour of any employee:

Provided that nothing in this rule shall apply to.

(a) a farewell entertainment of a substantially private and informal character held in honour of an employee or any other employee on the occasion of his retirement or transfer or any person who has recently quit the service of any institution; or

(b) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

**47. Private trade or employment :-**

No employee shall, except with the previous sanction of the management engage directly or indirectly in any trade or business or negotiate for or undertake any other employment: Provided that an employee may, without such sanction, undertake honorary work of a classical or charitable nature or occasional work of a literary, artistic or scientific character, subject to the following conditions, namely.

(a) he shall, within a period of one month of his undertaking any such work, report to the management giving full details;

(b) his official duties do not thereby suffer; and

(c) he shall discontinue any such work, if so directed by the management:

Provided further that, if the undertaking of any such work involves holding of an elective office he shall not seek election to any such office without the previous sanction of the management.

Explanation I. Canvassing by an employee for a candidate or candidates for an elective office referred to in the second proviso

shall be deemed to be a breach of this sub-rule.

Explanation II.

(a) Canvassing by an employee in support of the business or insurance agency or commission agency owned or managed by his wife or any other member of his family shall be deemed to be breach of this sub-rule.

(b) Every employee shall report to the management if any member of his family is engaged in trade or business or owns or manages an insurance agency or commission agency.

(c) No employee shall, without the previous sanction of the management, except in the discharge of his duties, take part in registration, promotion or management of any Bank or other company which is required to be registered under the Companies Act, 1956 (Central Act 1 of 1956) or any other law for the time being in force of any Co-operative Society for commercial purposes:

Provided that employee may take part in the registration, promotion, management of a Co-operative Society substantially for the benefit of employees registered or deemed to be registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 1 of 1960) and the Karnataka Co-operative Societies Act, 1959.

(d) No employee may accept any fee for any work done by him for any public body or any private person without the general or special sanction of the management.

**48. Authorship of textbooks for use in recognised educational institutions :-**

No employee who is a member of the Textbooks Committee shall write or edit any textbook for use in a recognised educational institution during his membership of the Committee.

**49. Proper use of amenities :-**

No employee shall misuse or carelessly use amenities provided for him by the management to facilitate the discharge of his duties.

**50. Use of services without payment :-**

No employee shall, without making proper and adequate payment avail himself any service for entertainment for which a hire or price or admission fee is charged.

**51. Investment, lending and borrowing :-**

(1) No employee shall speculate in any stock, share or other investment.

Explanation. Frequent purchase or sale or both of shares, securities or other investments shall be deemed as speculation within the meaning of this sub-rule.

(2) No employee shall make or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the management thereon shall be final.

(4) No employee shall, save in the ordinary course of business with a Bank or a firm of standing duly authorised to conduct banking business, either himself or through any member of his family or any other person acting on his behalf.

(a) lend or borrow money as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that an employee may, give to or accept from a relative or a personal friend, a purely temporary loan of an amount not exceeding his total monthly emoluments free of interest, or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee.

## **52. Insolvency and habitual indebtedness :-**

An employee shall so manage his affairs as to avoid habitual indebtedness or insolvency of an employee against whom any legal proceeding is instituted for the recovery of any debt due from his or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the management. Note. The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the employee could not have foreseen or over which he had no control and had not proceeded from extravagant or dissipated habits, shall be upon the employee.

### **53. Movable, immovable and valuable property :-**

(1) Every employee shall on his first appointment to any post and thereafter at the interval of every twelve months, submit a return of his assets and liabilities and of all members of his family in such form as may be prescribed by the management giving the full particulars regarding.

(a) the immovable property inherited by him or any member of his family or owned or acquired by him or any member of his family on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person;

(b) shares, debentures and cash including Bank deposits inherited by him or any member of his family similarly owned, acquired or held by him or any member of his family;

(c) other movable property inherited by him or any member of his family or similarly owned, acquired or held by him or any member of his family;

(d) debts or other liabilities incurred by him or any member of his family directly or indirectly.

(2) No employee or any member of his family shall, except with the previous knowledge of the management, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family: Provided that the previous sanction of the management shall be obtained by the employee if any such transaction is.

(i) with a person having official dealings with the employee; or

(ii) otherwise than through a regular or reputed dealer.

(3) Every employee shall report to the management every transaction concerning movable property owned or held by him or any member of his family either in his own name or in the name of a member of his family, if the value of such property exceeds rupees one thousand in the case of a member of the teaching staff or rupees five hundred in the case of others: Provided that the previous sanction of the management be obtained if any such transaction is.

(i) with a person having official dealings with the employee; or

(ii) otherwise than through a regular or reputed dealer.



(4) Every employee shall report to the management every transaction concerning cash received by him or by any member of his family from sources other than the employee's salary and allowances, insurance or provident fund, if such cash exceeds rupees one thousand in the case of a member of the teaching staff or rupees five hundred in the case of others.

(5) The management may at any time, by general or special order, require an employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or any member of his family or on his behalf or by any member of the family as may be specified in the order, such statement shall, if so required by the management, include the details of which, or the source from which such property was acquired.

Explanations. For the purpose of this rule.

(1) "lease" means, except where it is obtained from, or granted to, person having official dealings with the employee, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

(2) The expression "movable property" includes.

(a) Jewellery, insurance policies, provident fund, shares, securities and debentures;

(b) Loan advanced by such employee whether secured or not;

(c) Motor-cars, Motor-cycles or any other means of conveyance; and

(d) Refrigerators, Radios, Radiograms, Television sets, Tape-recorders and Transistors.

**54. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc :-**

Notwithstanding anything contained in sub-rule (2) of Rule 54, no employee shall, except with the previous sanction of the management.

(a) acquire, by purchase, mortgage, lease, gift or otherwise either in his own name or in the name of any member of his family, any immovable property situated outside India;

(b) dispose of, by sale, mortgage, gift or otherwise, or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family;

(c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern.

(i) for the acquisition by purchase, mortgage, lease, gift or otherwise either in his own name or in the name of any member of his family, of any immovable property;

(ii) for the disposal by sale, mortgage, gift or otherwise of or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

#### **55. Guardianship of minor :-**

An employee may not without the previous sanction of the management act as a legal guardian of the person or property of a minor other than his dependent.

Explanation. A 'dependent' for the purpose of this rule means an employee's wife, children and step-children and children's children and shall also include his sisters, brothers, nephews and nieces if residing with him and wholly dependent upon him.

#### **56. Personal representations of the employees :-**

Any representation by an employee shall only be made through proper channel.

#### **57. Bigamous marriage :-**

(1) No employee who has a wife living shall contract another marriage without first obtaining the permission of the management notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female employee shall marry any person who has husband living without first obtaining the permission of the management notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to her.

#### **58. Consumption of intoxicating drinks and drugs :-**

An employee shall.

(a) strictly abide by any law relating to intoxicating drinks or drugs

in force in any area;

(b) take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug;

(c) refrain from consuming any intoxicating drink or drug in a public place;

(d) not to appear in a public place in a state of intoxication;

(e) not habitually use any intoxicating drink or drug to excess.

Explanation. For the purpose of the rule, 'public place' means any place or premises (including a conveyance) to which the public have or are permitted to have, access, whether on payment or otherwise.

### **59. Leave rules :-**

Leave rules as are applicable to Government employees according to the provisions of the Karnataka Civil Services Rules (KCSR) as amended from time to time shall apply to employees under these rules.

### **60. Compensation :-**

An employee of the institution who has been confirmed and whose services have been terminated by the management 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 fourteen months salary.

## **CHAPTER 8**

Control of private educational institutions

### **61. The duties and the code of conduct for the Governing Council :-**

(1) It shall be the duty of the Governing Council.

(a) to uphold the dignity and integrity of the nation;

(b) to ensure that none of the employees of the institution engage in private tuition, anti-social activities or active politics;

(c) to endeavour to promote the education of the weaker sections and the handicapped;

(d) to adhere to and act in accordance with provisions of the Act, the Rules made thereunder, and orders made or instructions given

by the Head of the Department from time to time;

(e) to follow the curricula, syllabi and textbooks for any course of instruction prescribed by the Government from time to time;

(f) to make necessary arrangements like sparing the building, furniture, etc., for conduct of any type of examination conducted by the Department/Government and not to encourage any kind of malpractice during the period of the above-mentioned examination;

(g) to levy or collect any fees or charges or any payment by whatever name it is called only as provided in the rules made by the State Government in this behalf;

(h) to utilise the amounts levied or collected by the educational institution in accordance with such rules as may be made by the State Government;

(i) to intimate the details of receipt of voluntary donations within ninety days from the date of receipt to the Competent Authority;

(j) to utilise all moneys received for the purpose for which they are intended and shall be accounted for;

(k) to hold and protect the interest of the staff and students of the institution;

(l) to make available all the account books and other documents to the inspecting authority at the time of inspection or enquiry;

(m) not to open or teach subject/courses than those for which affiliation/recognition is accorded;

(n) not to transfer the immoveable property related to the educational institution without prior permission of the State Government;

(o) to make the provisions for contingent expenditure, in case Government makes provision for midday meals and such other incentives schemes;

(p) to abide by the rules and regulation in respect of recruitment, appointment and service conditions of its employees framed by the State Government from time to time;

(q) not to close down the institutions run by them without prior and proper intimation to and approval of the State Government;

(r) to handover all its properties, records to the officer authorised by the Government on its closure;

(s) not to sell, mortgage, lease, pledge, transfer or otherwise its immoveable properties without previous permission in writing of the State Government on an application made in this behalf.

(2) The Governing Council shall be governed by the code of conduct prepared by it with respect to the matters not covered in the code of conduct. However, such code of conduct is subject to the prior approval of the State Government.

**62. Furnishing of list of properties :-**

(1) Every institution shall send on or before the first January of each year to the Competent Authority, the statement in triplicate in Form 3 of details of desks, benches, tables and of movable properties the value of which individually, is Rs. 5,000 or more and of all immovable properties. In respect of immovable properties the statement shall contain the following particulars and shall be authenticated by the educational agency.

(a) Name of property;

(b) Description, address and location;

(c) Area/extent together with survey number.

(d) In case of cultivable land, its classification, and the crops grown;

(e) Market value;

(f) Annual income derived from the property;

(g) Remarks, if any.

Explanation. A certificate from an officer of the Revenue Department not lower in rank than that of a Tahsildar shall be obtained in respect of (e) and (f) above at the time of the first submission of the statement. When there is any change in the movable or immovable properties such changes should be indicated in the statement.

(2) The movable and immovable properties referred to in sub-rule (1) shall be the movable and immovable properties for the purpose of Section 107.

### **63. Utilisation of funds and properties of the institution :-**

(1) The funds of the institution shall be utilised for the bona fide purposes connected with the institutions only with prior permission of the Competent Authority. If any donations are collected with the previous permission of the Competent Authority they shall be utilised only for that purpose. Balance if any shall be credited in the funds of the institution.

(2) An institution may deposit funds not required for immediate use in the following Banks.

(a) State Bank of India constituted under the State Bank of India Act, 1995 (Central Act 23 of 1995); or

(b) In a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959); or

(c) In any corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or Post Office Saving Bank; or

(d) In any other schedule Bank as approved by the Competent Authority.

### **64. Accounting of deposit of institutions funds :-**

(1) All funds properties, grants, etc., collected in the name of institutions whether from the Government or the public or private individual shall be brought to account in the casebook and financial statement of that institution and it shall be used for any other purpose without approval of the Competent Authority. The fees, grant from Government and their income shall be pooled together as institution's funds.

(2) Funds not required for immediate use shall be deposited in the nationalised Bank referred to above on behalf of the institution and not in the name of any individual. Every institution shall maintain day-to-day accounts, registers and their records are at all times open to inspection by the Competent Authority.

### **65. Closure of institutions, etc :-**

Notice under Section 105 shall be in Form 4 or 5 as the case may be appropriate. Every such notice shall set out the alternate arrangements proposed to be made for the continuance of institutions.

**66. Appeal under these rules :-**

(1) Every appeal shall be either presented by the party making such appeal or by his recognised agent in the office during office hours or be sent by registered post addressed to the authority to whom it is presented by designation.

(2) Every appeal shall clearly state the grounds of appeals.