



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಬಿಶೇಷ ರಾಜ್ಯ ಪತ್ರ

ಭಾಗ-IVA Part-IVA	ಬೆಂಗಳೂರು, ಬುಧವಾರ, ಅಕ್ಟೋಬರ್ ೫, ೨೦೧೬ (ಅಶ್ವಯುಜ ೧೩, ಶಕ ವರ್ಷ ೧೯೩೮) Bengaluru, Wednesday, October 5, 2016 (Aashwayuja 13, Shaka Varsha 1938)	ನಂ. ೧೧೫೩ No. 1153
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EDUCATION SECRETARIAT NOTIFICATION-I

No. ED 317 PGC 2012, Bengaluru, Dated: 05.10.2016

The draft of the following rules further to amend the Karnataka Educational Institutions (Regulation of certain fees and Donations) Rules, 1999 which the Government of Karnataka proposes to make in exercise of the powers conferred by sub-section (1) of section 145 read with section 48 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) is hereby published as required by sub-section (1) of section 145 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

The objectives of the proposed draft rules is to enhance transparency, openness and accountability in the manner of collection of notified fees for admission of students to unaided institutions, and to factor in the cost differential in different geographical locations and the fee reimbursed by the government for the students admitted under sub-section (1)(c) of section 12 of Right to Education Act.

Any objection or suggestion which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections or suggestions may be addressed to the Principal Secretary to Government, Education Department (Primary and Secondary Education) M.S. Building, Dr.B.R. Ambedkar Veedhi, Bangalore-560001.

DRAFT RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Educational Institutions (Regulation of certain Fees and Donation) (Amendment) Rules, 2016.

(2) They shall come into force from the date publication in the Official Gazette.

2. Amendment of rule 4.- In the Karnataka Educational Institutions (Regulation of certain fees and Donations) Rules, 1999 (hereinafter referred to as the said rules) for rule 4 the following shall be substituted, namely:-

"4. Fee in unaided private educational institutions.- (1) Every private unaided educational institution shall disclose within 31st December of every calendar year its fee structure for the ensuing academic year starting in the next calendar year, the audit report of its finances in the previous financial year ended on 31st March, details of teaching resources, result in the public examination and a statement showing computation and compliance of the fee structure as per the rules on the website of Primary and Secondary Education Department in the manner specified through a notification.

(2) A private unaided educational institution shall be allowed to collect fees not exceeding the fee structure disclosed by the institution in the manner specified under sub-rule (1).

Provided that no fee shall be collected from the students admitted under item (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act No. 35 of 2009).

(3) Notwithstanding anything contained in any rules made in this behalf the tuition fee to be charged by a private unaided educational Institution under rule 10(3)(b)(ii) of the Karnataka Educational Institutions (Classification, Regulation and Prescription of curricula etc.) Rules, 1995 in the ensuing academic year shall not exceed the value determined in the following manner, namely:-

(i) The normative total expenditure for the ensuing academic year shall be computed based on the actual salary expenditure incurred on teaching and non-teaching staff, including outsourced staff, in the previous financial year ended on 31st March plus an additional amount towards contingency, operation and maintenance costs, rent, debt servicing, depreciation, etc. and the likely cost increase during the period between the previous financial year and the ensuing academic year.

Explanation: For the purpose of this sub-rule, the salary expenditure shall include,-

(a) Contribution towards Provident Fund, ESI, Pension Fund and National Pension System made by the management; and

(b) Encashment benefit, LTC/HTC benefits, medical allowance, conveyance allowance and other such allowance, if any, given to the staff of the institution.

(ii) The additional amount shall not be more than the value arrived on applying such percentage on the actual salary expenditure in the previous financial year ended on 31st March referred in clause (i) above as specified in column (3) of the Table below, based on geographical location of the institution specified in column (2) thereof.

Table

Sl.No.	Geographical Location of Institution and Areas	Percentage of Actual Salary Expenditure
(1)	(2)	(3)
1.	Grama Panchayat/Town Panchayat/ Town Municipal Council	Fifty Percent
2.	City Municipal Council	Sixty Percent
3.	Municipal Corporation other than BBMP	Seventy five Percent
4.	Bengaluru Bruhat Mahanagara Palike	One hundred Percent

(iii) The normative net expenditure (NNE) for the ensuing academic year shall be computed based on the normative total expenditure (NTE) under sub-rule (3)(i) and (3)(ii) minus the total of:-

- the reimbursement received or due from the Government for the students admitted under clause (c) of sub-section (1) of section 12 of the Right of children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009) for the previous financial year ended on 31st March;
- the fee for certificates collected under sub-rule (1) of rule 6 of said rules during the previous financial year ended on 31st March;
- any money received under sub-rule (3) of rule 6 of the said rules during the previous financial year ended on 31st March for the purpose of supporting recurring expenditure on teaching activities;
- the term fee collected under sub-rule (3)(a)(ii) of rule 10 of the Karnataka Educational Institutions (Classification, Regulation and Prescription of curricula etc.) Rules, 1995 during the previous financial year ended on 31st March; and

(e) the special development fee collected under sub-rule (3)(c) of rule 10 of the Karnataka Education Institutions (Classification, Regulation and Prescription of curricula etc.) Rules, 1995 during the previous financial year ended on 31st March.

(iv) The total tuition fee proposed to be charged from all the students put together, other than the students admitted under item (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act No. 35 of 2009) as per the fee structure disclosed under sub-rule (1) shall not exceed the normative net expenditure (NNE), computed under item (iii) of sub-rule (3):

Provided that the total number of students for purpose of this sub-rule shall be the maximum number of students, other than the students admitted under item (c) of sub-section (1) of section 12 of Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009), on the rolls of the educational institution during the previous academic year ended on 31st May.

(v) The total tuition fee proposed to be charged from all the students put together, other than the students admitted under item (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009), in the ensuing academic year shall not be more than ten percent over and above the total tuition fee charged during the current academic year.

(vi) Subject to compliance with clause (iv) and (v) above, a private unaided educational institution shall have the flexibility to opt for varying tuition fee for different classes.

(4) In addition to the tuition fee, a private unaided educational institution may charge a term fee under rule 10(3)(a)(ii) of the Karnataka Educational Institutions (Classification, Regulation and Prescription of curricula etc.) Rules, 1995 not exceeding five percent of the tuition fee. Such term fee will cover all co-curricular activities, examination fee, lab fee, sports fee, culture event fee, fee for activities complementary to regular teaching and any other activity specified by notification.

(5) Notwithstanding the disclosure made by a private unaided educational institution under sub-rule (1), Primary and Secondary Education Department may cause a special audit of the finances and fee computations of the institution in the manner specified through a notification."

3. Amendment of rule 6.- In rule 6 of the said rules, in sub-rule (1), in the table, for figure "25-00" wherever they occur, the figure "50-00" shall be substituted.

4. Insertion of rule 7.- After rule 6 of the said rules, the following shall be inserted, namely:-

"7. Fine for violation.- For violation of any of the provisions of these rules or the Karnataka Education Institutions (Classification, Regulation and Prescription of curricula etc.) Rules, 1995, the unaided private educational institutions are liable for penalties as specified in section 7 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 and the fine as specified under sub-section 2(a) of section 13 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act No. 35 of 2009) in addition to the action under section 39 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) for withdrawal of recognition."

By order and in the name of the Governor of Karnataka

Revaiah

Under Secretary to Government
Department of Education
(Primary and Secondary)

NOTIFICATION-II
No. ED 317 PGC 2012. Bengaluru, dated: 05.10.2016

The draft of the following rules further to amend the Karnataka Education Institutions (Classification, Regulation and Prescription of curricula etc.) Rules, 1995 which the Government of Karnataka proposes to make in exercise of the powers conferred by sub-section (1) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) is hereby published as required by sub-section (1) of section 145 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

The objectives of the proposed draft rules is to enhance transparency, openness and accountability in the manner of collection of notified fees for admission of students to unaided institutions, and to factor in the cost differential in different geographical locations and the fee reimbursed by the government for the students admitted under sub-section (1)(c) of section 12 of Right to Education Act.

Any objection or suggestion which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections or suggestions may be addressed to the Principal Secretary to Government, Education Department (Primary and Secondary Education) M.S. Building, Dr.B.R. Ambedkar Veedhi, Bangalore-560001.

DRAFT RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Educational Institutions (Classification, Regulation and Prescription of curricula etc.),(Amendment) Rules, 2016.

(2) They shall come into force with effect from the Academic year 2017-18.

2. Amendment of rule 10.- In the Karnataka Education Institutions (Classification, Regulation and Prescription of curricula etc.) Rules, 1995 in rule 10, in sub-rule (3), in clause (c), in item (ii), for the letters, figure and words "Rs. 600/- per year" the words "rupees two thousand five hundred per year" shall be substituted.

3. Insertion of Proviso.- In the Karnataka Education Institutions (Classification, Regulation and Prescription of curricula etc.) Rules, 1995 in rule 10, in sub-rule (3), in clause (c), following proviso shall be inserted after the item (ii), namely:-

"Provided that no special development fee shall be collected from the students admitted in any educational institution under item (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009)."

By order and in the name of the Governor of Karnataka

Revaiah

Under Secretary to Government
Department of Education
(Primary and Secondary)