

The Karnataka Prohibition Of Admission Of Students To The Un-Recognised and Un-Affiliated Educational Institutions Act, 1992

KARNATAKA

India

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Act 07 of 1993

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The Karnataka Prohibition Of Admission Of Students To The Un-Recognised And Un-Affiliated Educational Institutions Act, 1992Act No. 7 of 1993An Act to provide for prohibition of admission of students to the un-recognised and un-affiliated educational Institutions in the State of Karnataka and matters relating thereto.WHEREAS the practice of admitting students to un-recognised and un-affiliated Educational Institutions is widespread in the State;AND whereas this undesirable practice besides contributing to large scale commercialisation of education has not been conducive to the maintenance of educational standards;AND whereas it is considered necessary to effectively curb this evil practice in public interest by providing for prohibition of admission of students to the unrecognised and unaffiliated Educational Institutions and matters relating thereto;AND whereas it is expedient to provide for prohibition of admission of students to un-recognised and un-affiliated Educational Institutions and matters relating thereto;BE it enacted by the Karnataka State Legislature in the Forty-third Year of the Republic of India as follows:-

1. Short title and commencement.-

(1)This Act may be called the Karnataka Prohibition of Admission of Students to the Un-recognised and Un-affiliated Educational Institutions Act, 1992.(2)It shall be deemed to have come into force on the Twenty-eighth day of May 1992.

2. Definitions.-

In this Act unless the context otherwise requires,-(a)'commerce education' means education in Shorthand and Typewriting, Bookkeeping and Accountancy, Commerce, Office Practice and Procedure, Salesmanship and Marketing, Banking Practice, Insurance Practice and such other subjects as may be notified by the State Government;(b)'Commerce Institution' means any institution imparting commerce education and presenting students for examinations conducted by the Karnataka State Secondary Education Examination Board;(c)'Competent Authority' means any person, officer or authority authorised by the State Government, by notification, to perform the functions and discharge the duties of the competent authority under all or any of the provisions of this Act for such area or for such purposes or for such classes of institutions as may be specified in the notification;(d)'Educational Institution' means any institution by whatever name called other than Commerce Institution, whether managed by Government, Private body, Local Authority, Society, Trust, University or any other person carrying on the activity of imparting education in General Education, Professional Education, Medical Education, Technical Education, leading to a degree conferred or Diploma granted by a University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) or grant of Diploma or Certificate by any Authority and any other Educational Institution, or class or classes of such Institution, as the State Government may by notification specify;(e)'general education' means every branch of education other than religious, professional, medical, technical or special education;(f)'medical education' includes education in modern scientific medicine, in all its branches, including education in Pharmacy and Dental Education, Ayurvedic System of Medicine, Indigenous Medicine, Naturopathy, Siddha or Homeopathy;(g)'special education' means education for the handicapped, education in music, dance, drama, fine arts, physical education including sports and games and such other types of education as the State Government may by notification, in that behalf specify;(h)'society' includes a society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act No.17 of 1960), or the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) or a trust registered under the Bombay Public Trust Act, 1950 or any association of individuals whether registered or not.(i)'Technical Education' means any course of study in Engineering, Technology, Architecture, Ceramics, Industrial Training, Mining or in any other subject, as the State Government may, by notification, specify.

3. Prohibition of admission of students to un-recognised and un-affiliated educational institutions.-

No student shall be admitted to an educational institution, unless such educational institution has been,-(i)granted permission or has been recognised by the State Government or by the University or by a Board or any authority by whatever name called which is competent to grant such permission or recognition as the case may be, in accordance with the provisions of any law for the time being in force or rules made thereunder or any order issued by the State Government in this behalf.(ii)affiliated to any University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976); and(iii)granted affiliation to a course of study.

4. Prohibition of admission of students in excess of intake.-

(1) No Educational Institution shall admit students in excess of intake fixed by the University or the State Government, Board or any other authority in respect of such institution or course of study and any admission made in excess of such intake shall be invalid. (2) No student admitted in contravention of this section or section 3 shall be eligible to appear for any examination conducted by the State Government or the University or a Board or any authority. Explanation.- For the purpose of this section educational institution means, any institution or college conducting courses leading to a Degree or Diploma or Certificate in Education or Physical Education, Engineering, Medical, Pharmacy and Dental Education and such other institution as the State Government may, by notification, specify.

5. Power to issue directions.-

Notwithstanding anything contained in this Act or in any law for the time being in force, where students have been admitted to a new college or to a new course of study in an existing college, to which affiliation has not been granted or where students have been admitted in excess of the intake prior to the commencement of this Act and where such students have not been allowed to appear for the examination held during the academic year 1991-92, the State Government may, if it considers necessary so to do, issue direction to the Karnataka State Secondary Education Examination Board, the Pre-University Education Board, or any other authority which conducted such examination for the said academic year or to the University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) subject to the provisions of section 57 of the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) and subject to such conditions as may be specified in such direction, to conduct the examination for such students within four months from the date of commencement of this Act and to permit them to appear for such examination and it shall be the duty of such Board or authority or the University to comply with such directions.

6. Penalties.-

Whoever contravenes the provisions of this Act or the rules or order made or issued thereunder or any other rules or order made or issued by the State Government in respect of admission or intake of students and matters connected therewith shall, on conviction, be punishable with imprisonment for a term which shall not be less than one year but which shall not exceed three years and with fine which may extend to three thousand rupees and when the offence is a continuing one with a daily fine not exceeding two hundred and fifty rupees during the period of the continuance of the offence.

7. Offence by companies.-

(1) Where an offence against any of the provisions of this Act, or any rule made thereunder has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and

punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything in sub-section (1) where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of the company such director, manager, secretary or other officer shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Explanation.- For the purpose of this section, -(a) 'Company' means any body corporate and includes a trust, a firm, a society or other association of individuals, and (b) 'Director' in relation to, -(i) a firm means partner in the firm; (ii) a society, a trust or other association of individuals means the person who is entrusted under the rules of the society, trust or other association with management of the affairs of the society, trust or other association as the case may be.

8. Cognizance of offences.-

No court shall take cognizance of any offence punishable under the Act save on the complaint made by the competent authority or such officer authorised in this behalf by the competent authority.

9. Act to override other laws.-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

10. Protection of act done in good faith.-

No suit, prosecution or other legal proceeding shall be instituted against the Government or any officer, authority or person empowered to exercise the powers or perform the functions by or under this Act for anything which is in good faith done or intended to be done under this Act or under the rules, notifications, or orders made thereunder.

11. Power to make rules.-

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. (2) Every notification issued and every rule made under this Act shall immediately after it is issued or made be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following for a total period of thirty days which may be comprised in one session or two or more successive sessions and if before the expiration of the sessions in which it is so laid or the session immediately following both Houses agree in making any modification in the notification or rule or in the annulment of the notification or rule the notification or rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously

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done under that notification or rule.

12. Power to remove difficulties.-

If any difficulty arises in giving effect to the provisions of this Act, the Government may by order not inconsistent with the provisions of this Act remove the difficulties: Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

13. Repeal and savings.-

(1) The Karnataka Prohibition of Admission of Students to the Un-recognised and Un-affiliated Education Institutions (No.2) Ordinance, 1992 (Karnataka Ordinance 11 of 1992) is hereby repealed. (2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.