

Education Act, 1983

Chapter 1 - General

- (1) This Act may be called the Karnataka Education Act, 1983.
 - (2) It extends to the whole of the State of Karnataka.
 - (3) It applies to all educational institutions and tutorial institutions in the State except,-
 - (i) institutions for scientific or technical education financed by the Central Government, and declared by Parliament by law to be institutions of national importance;
 - (ii) institutions of higher education which shall be deemed to be University as declared by the Central Government by a notification, under section 3 of the University Grants Commission Act, 1956 (Central Act III of 1956);
 - (iii) institutions established or maintained and administered by or affiliated to or recognised by the University of Agricultural Sciences in so far as the matter pertaining to them are dealt within the University of Agricultural Sciences Act, 1963 (Karnataka Act 22 of 1963);
 - 1[(iiia) Educational Institutions affiliated to or recognised by the Council of Indian School Certificate Examination or Central Board of Secondary Education respectively]
 - (iv) in so far as the matters pertaining to colleges and institutions are dealt within,-
 - (a) the Indian Medical Council Act, 1956 (Central Act, CII of 1956);
 - (b) the Dentists Act, 1948 (Central Act XVI of 1948);
 - (c) the Pharmacy Act, 1948 (Central Act VIII of 1948);
 - (d) the Karnataka State Universities Act, 1976 (karnataka Act 28 of 1976);
 - 1[(d-a) the All India Council for Technical Education Act, 1987 (Central Act 52 of 1987);
 - (d-b) the Indira Gandhi National Open University Act, 1985 (Central Act 50 of 1985);
 - (d-c) the National Council for Teachers Education Act, 1993 (Central Act 73 of 1993);]
 - (e) the Karnataka Ayurvedic and Unani Practitioners' Miscellaneous Provisions Act, 1961 (Karnataka Act 9 of 1961); and
 - (f) the Karnataka Homoeopathic Practitioners Act, 1961 (Karnataka Act 35 of 1961);
 - (v) such other class or classes of institutions, subject to such conditions and to such extent as the State Government may, by notification, specify:

Provided that nothing in Chapter III, section 35 of Chapter V, Chapter VII and Chapters IX to XV (both inclusive) except sections 57 and 58 of Chapter X shall be applicable to commerce institutions.
 - (4) It shall come into force on such²[date] as the State Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.
-

1. Inserted by Act 8 of 1998 w.e.f. 11-4-1998.
2. Act came into force on 1-6-1995 by notification.

Section 2 - Definitions

In this Act, unless the context otherwise requires

- (1) 'academic year' means the year beginning on such date as the State Government or the prescribed authority may, by notification, specify with respect to any specified area or with respect to any educational institution or class of educational institutions;
- (2) 'adult education' means the education or further education of a person of not less than fifteen years of age who has not attended any educational institution at any time before, or, as the case may be, who is a dropout from an educational institution at any level of his studies therein;
- (3) 'approved school' means any school in any specified area imparting primary education which,-
 - (a) is under the management of the State Government or a local authority; or
 - (b) being under any other management, is recognised by the State Government or by an officer authorised by the State Government in this behalf or by a school board as approved school for the purposes of this Act;
- (4) "attendance authority" means any person having the prescribed qualification appointed to be an attendance authority under section 13;
- (5) "backward classes" means any socially and educationally backward classes of citizens recognised by the Government for purposes as the case may be, of clause (4) of Article 15 or clause (4) of article 16 of the Constitution of India;
- (6) 'child' means a boy or girl within such age group not being less than six years or more than fourteen years at the beginning of the academic year as the State Government may specify for the purposes of this Act either generally or with respect to any specified area;
- (7) '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;
- (8) "commerce education" means education in typewriting, shorthand, Book-keeping 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;
- (9) "commerce institution" means any institution imparting commerce education and presenting students for examinations conducted by the Karnataka Secondary Education Examination Board;
- (10) "district" means revenue district;
- (11) "District Education Officer" means an Officer appointed as such to be incharge of the administration of the primary education in a district or part of a district;
- (12) "Director for Compulsory Primary Education" means the Commissioner of Public Instruction in Karnataka or any other officer discharging the functions and exercising the powers of Director for Public Instruction (Primary Education);

(13) 'educational agency' in relation to a private educational institution, means any person or body of persons which has established and is administering or proposes to establish and administer or is entrusted with the establishment, management, administration and maintenance of such private educational institution;

(14) "educational institution" means any institution imparting education referred to in section 3 and includes a private educational institution but does not include an institution under the direct management of the University or of the Central Government or a tutorial institution;

(15) "employee" means a person employed in an educational institution;

(16) "general education" means every branch of education other than religious, professional, medical, technical or special education;

(17) "Governing Council" means any person or body of persons permitted or deemed to be permitted under this Act to establish or maintain a private educational institution; or commence institution or tutorial institution and includes the governing body, by whatever name called, to which the affairs of the said educational institution are entrusted;

(18) "grant" or "grant-in-aid" means any sum of money paid as aid out of the State funds to any educational institution;

(19) "Managing Committee" means the individual or the body of individuals entrusted or charged with the management and administration of a private educational institution and where a society, trust, or an association manages more than one such institution, includes the managing committee of each such institution;

(20) "medical education" includes education in modern scientific medicine, in all its branches, Ayurvedic system of medicine, Unani system of medicine, integrated system of medicine, Indigenous medicine, Naturopathy, Siddha or Homoeopathy;

(21) "minority educational institution" means a private educational institution of its choice established and administered by a minority whether based on religion or language, having the right to do so under clause (1) of Article 30 of the Constitution of India;

(22) "non-formal Education" means the education, of a person upto fifteen years of age who has not attended any educational institution at any time before or as the case may be, who is a drop out from an educational institution at any level of his studies therein to enable him to enter the formal educational system at an appropriate level;

(23) "parent" in relation to a child includes a guardian and every person who has the lawful custody of the child;

(24) "prescribed" means prescribed by rules made under this Act;

(25) "primary education" means education in and upto such classes and standards as are prescribed under this Act;

(26) "primary school" means a school or part of such school in which primary education upto any standard is imparted;

(27) "private educational institution" means any educational institution imparting education referred to in section 3, established and administered or maintained by any person or body of persons, but does not include an educational institution,-

(a) established and administered or maintained by the Central Government or the State Government or any local authority or any other authority designated or sponsored by the Central Government or the State Government;

(b) established and administered by any University established by law;

(c) giving, providing or imparting only religious instruction, but not any other instruction; or

(d) imparting instruction for which there is no approved syllabi or course of studies or Government or University Examination;

(28) "private tuition" means instruction or teaching given by an employee of a recognised educational institution outside its premises to students;

1[(28A) 'Public interest' includes public order, public health, public morality and other similar purposes;]

(29) "ragging" means causing, inducing, compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detracts from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful act, by intimidating., wrongfully restraining, wrongfully confining, or injuring him or by using criminal force to him or by holding out to him any threat of such intimidation, wrongful restraint, wrongful confinement, injury or the use of criminal force;

(30) "recognised educational institution" means an educational institution recognised under this Act and includes one deemed to be recognised thereunder;

(31) "registering authority" means any person, officer or authority authorised by the State Government by notification, to perform the functions and discharge the duties of the registering 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;

(32) "secondary education" means education in and upto such class or standard as may be prescribed;

(33) "secretary" in relation to a private educational institution means the person, by whatever name called, who under the rules or regulations of the private educational institution is a chief executive entrusted with the management of the affairs of the institution;

(34) "society" includes a society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960), or Karnataka Co-operative Societies Act, 1959 or a trust registered under the Bombay Public Trust Act, 1950, or any association of individuals registered under any other law for the time being in force;

(35) "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;

(36) "specified area" means any area in which primary education is notified by the State Government to be compulsory under section 11;

(37) "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;

(38) "tribunal" means the Educational Appellate Tribunal constituted under section 96;

(39) "tutorial institution" means an unrecognised institution established or run by not less than two persons for systematically imparting education or instruction to twenty or more persons in any subject with a view to

prepare them to appear for an examination in any branch of education conducted or recognised by the State Government or the Universities in the State or any body or authority under this Act or any other law for the time being in force.

1. Inserted by Act 8 of 1998 w.e.f. 11-4-1998.

Section 3 - Regulation of education

(1) The State Government may, subject to sub-section (3) of section 1, regulate general education, professional education, medical education, technical education, commerce education and special education at all levels in accordance with the provisions of this Act.

(2) The State Government may towards that end,-

- (a) establish and maintain educational institutions;
 - (b) permit any local authority or a private body of persons to establish educational institutions and maintain them according to such specifications as may be prescribed;
 - (c) require registration of educational institutions including tutorial institutions;
 - (d) recognise educational institutions;
 - (e) grant aid to any recognised educational institutions in furtherance of the objects of this Act;
 - (f) regulate the admission including the minimum or maximum number of persons to be admitted to any course in any educational institution or class of such institutions, and the minimum age for such admission;
 - (g) prescribe the conditions for eligibility of or admissions to any educational institution or class of such institutions;
 - (h) establish hostels or recognise private hostels and frame rules for grant-in-aid to recognised private hostels;
 - (i) permit or establish institutions imparting education in arts, crafts, music, dance, drama or such other fine arts, physical education including sports;
 - (j) permit and establish institutions or centres for pre-primary education, adult education and non-formal education; and
 - (k) take from time to time such other steps as they may consider necessary or expedient.
-

Section 4 - Prohibition of private tuition

On and after the date of commencement of this Act, no institution recognised or deemed to be recognised under this Act, shall permit any of its employees to give private tuition nor shall such employee impart such tuition to any person.

Section 5 - Promotion of education of the weaker sections and the handicapped

The State Government shall endeavour to promote the education of the handicapped, backward classes and the weaker sections of the society including the economically weaker sections thereof and in particular of the Scheduled Castes, Scheduled Tribes with special care by adopting towards that end such measure as may be appropriate.

Section 6 - Educational institutions to be in accordance with this Act

No educational institution shall be established or maintained otherwise than in accordance with the provisions of this Act or the rules made thereunder.

Section 7 - Government to prescribe curricula, etc.

(1) Subject to such rules as may be prescribed, the State Government may, in respect of educational institutions, by order specify,-

- (a) the curricula, syllabi and text books for any course of instruction;
- (b) the duration of such course;
- (c) the medium of instruction;
- (d) the scheme of examinations and evaluation;
- (e) the number of working days and working hours in an academic year;
- (f) the rates at which tuition and other fees, building fund or other amount, by whatever name called, may be charged from students or on behalf of students;
- (g) the staff pattern (teaching and non-teaching) and the educational and other qualifications for different posts;
- (h) the facilities to be provided, such as buildings, sanitary arrangements, playground, furniture, equipment, library, teaching aid, laboratory and workshops;
- (i) such other matters as are considered necessary.

(2) The curricula under sub-section (1) may also include schemes in respect of,-

- (a) moral and ethical education;
- (b) population education, physical education, health education and sports;
- (c) socially useful productive work, work experience and social service;
- (d) innovative, creative and research activities;
- (e) promotion of national integration;
- (f) promotion of civic sense ; and
- (g) inculcation of the sense of the following duties of citizens, enshrined in the Constitution namely:-
 - (i) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
 - (ii) to cherish and follow the noble ideals which inspired our national struggle for freedom;
 - (iii) to uphold and protect the sovereignty, unity and integrity of India;
 - (iv) to defend the country and render national service when called upon to do so;
 - (v) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women;

- (vi) to value and preserve the rich heritage of our composite culture;
- (vii) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (viii) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (ix) to safeguard public property and to abjure violence;
- (x) to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

(3) The prescription under sub-section (1) may be different for the different categories of educational institutions.

(4) (a) The objectives of education at the primary level shall be universalisation of education at the primary level by comprehensive access by both formal and non-formal means and by improving retention and completion rates with curriculum development and teacher education to help children attain the required level of achievement in the following basic purposes:-

- (i) development of 'basic skills' in literacy in the mother tongue and Kannada (where mother tongue is not Kannada), numeracy and communication;
- (ii) development of 'life skills' for understanding of and meaningful interaction with the physical and social environment, including study of Indian culture and history, science, health and nutrition;
- (iii) introduction of 'work experience' or socially useful productive work to provide children with the ability to help themselves, to orient them to the work processes of society and to develop right attitudes to work;
- (iv) promotion of values including moral values; and
- (v) development of good attitudes towards further learning.

(b) The main objective of education at the secondary level shall be to impart such general education as may be prescribed so as to make the pupil fit either for higher academic studies or for job-oriented vocational courses. The general education so imparted shall, among others, include,-

- (i) the development of linguistic skills and literary appreciation in the regional language;
- (ii) the attainment of prescribed standards of proficiency in any two other selected languages among classical or modern Indian languages including Hindi and English;
- (iii) the acquisition of requisite knowledge in mathematics and physical and biological sciences, with special reference to the physical environment of the pupil;
- (iv) the study of social sciences with special reference to history, geography and civics so as to acquire the minimum necessary knowledge in regard to the State, country and the world;
- (v) the introduction of 'work experience' or 'socially useful productive work' as an integral part of the curriculum; and
- (vi) training in sports, games, physical exercises and other arts.

(5) In every recognised educational institution,-

- (a) the course of instruction shall conform to the curricula and other conditions under sub-section (1); and
 - (b) no part of the working hours prescribed shall be utilised for any purpose other than instruction in accordance with the curricula.
-
-

