

Education Act, 1983

Chapter 18 - Miscellaneous

Save as otherwise provided in this Act, any person or Governing Council, aggrieved by an order passed by an officer or authority under this Act may within the prescribed period prefer an appeal to the prescribed appellate authority.

Section 131 - Revision by the State Government

(1) The State Government may either suo motu or on an application from any person interested, call for and examine the record of an educational institution or of any authority, officer or person in respect of any administrative or quasi-judicial decision or order, not being a proceeding in respect of which a reference to an arbitrator or an appeal to the High Court is provided, to satisfy themselves as to the regularity, correctness, legality or propriety of any decision or order passed therein, and if, in any case it appears to the State Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, they may pass order accordingly:

Provided that the State Government shall not pass any order adversely affecting any party unless such party has had an opportunity of making a representation.

(2) The State Government may stay the execution of any such decision or order pending the exercise of powers under sub-section (1) in respect thereof.

(3) Every application preferred under sub-section (1) shall be made within such time and in such manner and accompanied by such fees as may be prescribed.

Section 132 - Review

(1) The State Government or the Commissioner of Public Instruction or the Director may suo motu at any time or on an application received from any person interested within ninety days of the passing of any order under the provisions of this Act review any such order, if it was passed by them or him under any mistake, whether of fact or of law, or in ignorance of any material fact.

(2) The provisions contained in the proviso to sub-section (1) and in sub-sections (2) and (3) of section 131 shall, so far may be, apply in respect of any proceeding under this section as they apply to a proceeding under sub-section (1) of that section.

Section 133 - Powers of Government to give directions

(1) The State Government may, subject to other provisions of this Act, by order, direct the Commissioner of Public Instruction or the Director or any other officer not below the rank of the District Educational Officer to make an enquiry or to take appropriate proceeding under this Act in respect of any matter specified in the said order and the Director or the other officer, as the case may be, shall report to the State Government in due course the result of the enquiry made or the proceeding taken by him.

(2) The State Government may give such directions to any educational institution or tutorial institution as in its opinion are necessary or expedient for carrying out the purposes of this Act or to give effect to any of the provisions contained therein or of any rules or orders made thereunder and the Governing Council or the owner, as the case may be, of such institution shall comply with every such direction.

(3) The State Government may also give such directions to the officers or authorities under its control as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of such officer or authority to comply with such directions.

Section 134 - Power to enter and inspect

(1) Every officer not below such rank as may be prescribed, shall subject to such conditions as may be prescribed, be competent to enter at any time during the normal working hours of an educational or tutorial institution, any premises of any such institution within his jurisdiction and to inspect any record, register or other documents or any movable or immovable property relating to such institution for the purpose of exercising his powers and performing his functions under this Act.

(2) Any officer authorised by the State Government in this behalf, may at any time during the normal working hours of any educational institution enter such institution or any premises thereof or any premises belonging to the Governing Council of such institution, if he has reason to believe that there is or has been any contravention of the provisions of this Act and search and inspect any record, accounts, register or other document belonging to such institution or of the Governing Council, in so far as any such record, accounts, register or other document relates to such institution and seize any such records, accounts register or other documents for the purpose of ascertaining whether there is or has been any such contravention.

(3) In order to secure proper and effective utilisation of the finances or resources or other assets of any educational institution in existence at the commencement of this Act it shall be competent for the State Government to invoke the provisions of sub-section (2) and ascertain such finances, resources and assets of any institution and after such ascertainment to give such directions to the Governing Council as they deem fit.

(4) The provisions of Criminal Procedure Code, 1973 (Central Act 2 of 1974) relating to searches and seizure shall apply, so far as may be to searches and seizures under sub-section (2).

Section 135 - Penalty for obstructing officer or other person exercising powers under this Act

Any person who obstructs an officer of the State Government in the exercise of any power conferred on him or in the performance of any function entrusted to him by or under this act or any other person lawfully assisting such officer in the exercise of such power or in the performance of such function or who fails to comply with any lawful direction made by such officer or person shall be punished with fine which may extend to two hundred and fifty rupees.

Section 136 - Protection

No suit, prosecution or other legal proceeding shall lie against the State Government or any authority, officer or servant of the State Government for anything in good faith done or intended to be done under this Act or the rules made thereunder.

Section 137 - Investigation and cognizance of offences

(1) No court shall take cognizance of any offence punishable under this Act, except under sections 115 to 122 (both inclusive) or the abetment of any such offence, save on complaint made by the competent authority or with the previous sanction of such authority.

(2) All offences punishable under sections 115 to 122 (both inclusive) shall,-

(a) be investigated by an officer of and above the rank of Inspector of Police; and

(b) be cognizable and non-bailable:

Provided that where the accused is a woman, she shall be released on bail on her offering a personal bond for her appearance during the stage of investigation or trial.

Section 138 - Punishment for abatement of offences

Whoever instigates or abets the commission of any offence punishable under this Act shall, on conviction, be punished with the punishment provided for the offence.

Section 139 - Enquiry and proceedings

All proceedings or enquiries before the tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 288 of the Indian Penal code, 1860 (Central Act XLV of 1860).

Section 140 - Amendment of Karnataka Act No. 16 of 1966

The Karnataka Secondary Education Examination Board Act, 1966 (Karnataka Act No. 16 of 1966) is hereby amended to the extent and in the manner specified in Schedule 1 to this Act.

Section 141 - Application of the Act to certain institutions

Nothing in this Act or the rules made thereunder shall apply to any minority educational institution to the extent they are inconsistent with the rights guaranteed under Article 30 of the Constitution of India.

Section 142 - Removal of difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions not inconsistent with the said provisions as appear to them to be necessary or expedient to remove the difficulty.

Section 143 - Delegation

The State Government may by notification in the official gazette, delegate all or any powers exercisable by it under this Act or rules made thereunder, in relation to such matter and subject to such conditions, if any as may be specified in the direction, to be exercised also by such officer or authority subordinate to the State Government as may be specified in the notification.

Section 144 - Transfer of pending proceedings

All appeals and all proceedings pending before the Educational Appellate Tribunal constituted under the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 (Karnataka Act 10 of 1975) immediately before the date of commencement of this Act shall stand transferred to the Educational Tribunal under this Act and shall be disposed of by such tribunal in accordance with the provisions of the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 (Karnataka Act 10 of 1975), as if the said Act had not been repealed by this Act.

Section 145 - Power to make rules

(1) The State Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for,-

(i) the classes or standards of education and upto which shall be considered as primary education;

- (ii) the curricula, etc., specified under sub-section (1) of section 7;
- (iii) the duties and functions of the Vigilance Cells;
- (iv) the authorities and the manner in which appointments are to be made to the posts sanctioned under sub-section (2) of section 9 and the powers and functions of the officers and staff;
- (v) the composition and powers of the boards constituted under section 10;
- (vi) the steps to be taken for providing necessary facilities for imparting compulsory primary education before notifying any area to be specified area;
- (vii) the manner in which lists of children shall be prepared by the attendance authority in any specified area;
- (viii) the distance beyond which a child cannot be compelled to attend an approved school;
- (ix) the manner in which any enquiry under this Act shall be passed;
- (x) the form in which an attendance order under this Act shall be held;
- (xi) the registers, statements, reports, returns, budgets and other information to be maintained or furnished by approved schools for the purpose of this Act;
- (xii) the declaration as to what constitutes secondary or higher secondary education, technical education, special education, school places, school-age and attendance in schools or other institutions;
- (xiii) the establishment or maintenance and administration of educational institutions;
- (xiv) the grant of registration or recognition to educational institutions and the conditions therefor;
- (xv) the period and the manner for applying for registration of institutions;
- (xvi) the form of the register maintained for registration of educational institutions and tutorial institutions and of the registration certificate;
- (xvii) the manner of submission of the report of the expert body;
- (xviii) the conditions for recognition of existing institutions and the procedure therefor;
- (xix) regulating the rates of fees, the levy and collection of fees in educational institutions;
- (xx) the manner in which accounts, registers, records and other documents shall be maintained in the educational institutions and the authority responsible for such maintenance;
- (xxi) the submission of returns, statements, reports and accounts by managements or owners of properties of educational or tutorial institutions;
- (xxii) the inspection of educational and tutorial institutions and the officers by whom inspection shall be made;
- (xxiii) the mode of keeping and the auditing of accounts of such institutions;
- (xxiv) the standards of education and courses of study in educational institution;
- (xxv) the grant of sums by the State Government to educational institutions towards providing scholarships, bursaries, fee concessions and the like;
- (xxvi) the preparation and submission of development plan for educational institutions in general and for technical education and the contents of such plans;

(xxvii) the powers and the functions of the officers and other sub-ordinate staff of the Education Department;

(xxviii) the preparation and sanction of building plans and estimates of the educational institutions and the requirements to be fulfilled by the buildings for the educational institutions maintained by the local authorities and private institutions;

(xxix) the purposes for which the premises of the educational institutions may be used and the restrictions and conditions subject to which such premises may be used for any other purpose;

(xxx) the regulation of the use of text books, maps, plans, instruments and other labouratory and sports equipment in the institution;

(xxxi) the regulations for admission into educational institutions of pupils for the academic course, private study and other special courses and the attendance thereat;

(xxxii) the qualifications necessary and other conditions to be fulfilled for appearing at the examinations conducted by the authorities under this Act and the method of valuation or revaluation of answer scripts;

(xxxiii) the opening of special night schools and conditions for their working and of parallel sections or classes in the institutions for linguistic minorities;

(xxxiv) the manner of conducting the class and terminal examination and promotion of pupils to higher classes;

(xxxv) the donations or contributions and the conditions subject to which they may be accepted by the educational institutions from the public and the naming of institutions.

(xxxvi) the conditions for co-education in the educational institutions and the regulation of the conduct and discipline of pupils and the penalty for misconduct or indiscipline;

(xxxvii) the manner of services of notices, orders and other proceedings, of presenting appeals or applications for revision or review and the procedure for dealing with them and the fee in respect thereof;

(xxxviii) the scale of fees or charges or the manner of fixing fees or charges payable in respect of any certificate, permission, marks lists or other document for which such fees may be collected;

(xxxix) elections to the Student Associations or Unions;

(xL) all matters expressly required or allowed by this Act to be prescribed or in respect of which this Act makes no provision or makes insufficient provision and a provision is, in the opinion of the State Government, necessary for the proper implementation of this Act;

(3) Any rule may be made under this Act with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement to be laid before both Houses of the State Legislature.

(4) 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 fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or in the rule or in the annulment of the notification or the rule, the notification or the 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 done under that notification or rule.

(1) The Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961) and the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 (Karnataka Act 10 of 1975) are hereby repealed.

(2) Notwithstanding such repeal, any act or thing done under the said Act shall be deemed to have been done under this Act and may be continued and completed under the corresponding provisions of this Act.

(3) Notwithstanding anything contained in this Act, all rules, orders, notifications, Grant-in-aid Codes, appointments, schemes, bye-laws, regulations, official memoranda-circulars or any other orders made or issued before the commencement of this Act and in force on the date of such commencement providing for or relating to any of the matters for the furtherance of which this Act is enacted shall continue to be in force and effective as if they are made under the corresponding provisions of this Act unless and until superseded by anything done or any action taken or any notification, Grant-in-aid code, rule, order, appointment, scheme, bye-law, regulation, official memorandum, circular or any other order made or issued under this Act.