

KARNATAKA ACT 10 OF 2013
THE KARNATAKA NURSING AND PARAMEDICAL SCIENCES EDUCATION (REGULATION)
AUTHORITY ACT, 2012
Arrangement of Sections



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STATEMENT OF OBJECTS AND REASONS

Act No. 10 of 2013.- It is considered necessary to establish and incorporate an authority for the purpose of strengthening, systematic functioning and to maintain standard of education and development of Nursing and paramedical education in the State.

Hence, the Bill.

[L.A. Bill No.32 of 2012, File No. Samvyashae 58 Shasana 2012]

[Entry 32 of List II and entry 25 of List III of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT 10 OF 2013**(First published in the Karnataka Gazette Extraordinary on the Thirtieth day of January, 2013)**

**THE KARNATAKA NURSING AND PARAMEDICAL SCIENCES EDUCATION (REGULATION)
AUTHORITY ACT, 2012**

(Received the assent of the Governor on the Twenty Eighth day of January 2013)

An Act to provide for establishment of an Authority for regulation of nursing, paramedical sciences education and for matters connected therewith or incidental thereto.

Whereas it is expedient to provide for the establishment of an Authority for regulation of nursing, paramedical sciences education and for matters connected therewith or incidental thereto.

Be it enacted by the Karnataka State Legislature in the Sixty-Third Year of the Republic of India as follows:-

CHAPTER - I

1. Short title and commencement.- (1) This Act may be called the Karnataka Nursing and Paramedical Sciences Education (Regulation) Authority Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

(this Act came in to force w.e.f 05.08.2013 by notification No: HFW 217 MMC 2013 Dated: 05.08.2013.)

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) 'academic year' means the year beginning on such date as the authority may, by notification, specify with respect to any specified area or with respect to any educational institution or class of educational institutions;

(b) 'approved school' means any school or institution in any specified area imparting education in para medical sciences or nursing education which,-

- (i) is under the management of the State Government or a local authority; or
- (ii) being under any other management, is recognised by the authority or by an officer authorised by the Authority;

(c) "authority" means, the Karnataka Nursing, Paramedical Sciences Education (Regulation) Authority constituted under section 3;

(d) "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;

(e) "Chairman" means, the Chairman of the Authority;

(f) 'competent authority' means any person or officer of the authority authorised by it, 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;

(g) "department" means the department of Medical Education;

(h) '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;

(i) "educational institution" means any institution imparting nursing or para medical education and includes a private educational institution but does not include an institution under the direct management of the University or of the Central Government;

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

(k) "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 and includes the governing body, by whatever name called, to which the affairs of the said educational institution are entrusted;

(l) "Local Authority" means the Authority established by the State Government by law for administration of any local area and to function as a Local Self Government;

(m) "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;

(n) "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 Homeopathy;

(o) "member" means, a member of the Authority;

(p) "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;

(q) "para medical education" means education in auxiliary or allied health sciences in laboratory technologies, 'X' ray technologies and includes other courses leading to diploma or certificate courses as may be notified by the Government from time to time;

(r) "private educational institution" means any educational institution imparting nursing and para medical education established and administered or maintained by any person or body of persons, but does not include an educational institution,-

(i) 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;

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

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

(s) "public interest" includes public order, public health, public morality and other similar purposes;

(t) "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;

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

(v) "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;

(w) "Executive Director" means, the Member-Secretary of the Authority;

(x) "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;

(y) "Regulation" means, regulations made under this Act.

CHAPTER - II

3. Constitution of the Authority.- (1) As soon as may be, after the commencement of this Act, there shall be established for the purposes of this Act, an Authority for regulation of nursing and paramedical sciences education to be called the Karnataka Nursing and Paramedical Sciences Education (Regulation) Authority with its head-quarters at Bangalore.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members, namely:-

(a)	The Secretary to Government incharge of Medical Education	- Chairman
(b)	The Secretary to Government Department of Health and Family Welfare	- Ex-officio Member
(c)	The Registrar, Karnataka Nursing Council	- Ex-officio Member
(d)	Two Principals of Nursing schools nominated by the State Government	Members
(e)	Two Principals of Paramedical Sciences institutions nominated by the State Government	Members
(f)	The Executive Director	- Member-Secretary

4. Term of office and conditions of service.- (1) Subject to the pleasure of the State Government, non-official members nominated by the State Government shall hold office for a period of three years.

(2) The member other than an ex-officio member may resign his office by writing under his hand addressed to the State Government but shall continue in office until his resignation is accepted.

(3) A casual vacancy in the office of a non-official member shall be filled by the State Government by nominating another person and the person so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

(4) The members shall receive such allowances as may be prescribed.

(5) The allowances payable to the members shall be defrayed out of the Fund of the Authority.

(6) No act or proceedings of the Authority shall be invalid by reason only of the existence of any vacancy or defect in the constitution of the Authority.

5. Disqualification for office of membership.- (1) A person shall be disqualified for being appointed as and for being a member, if he,-

- (a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or
- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is an undischarged insolvent ; or
- (d) has been removed or dismissed from service of the Central Government or a State Government or a body or corporation owned or controlled by the Central Government or a State Government; or
- (e) has directly or indirectly by himself or his partner any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority.
- (f) is employed as a paid legal practitioner on behalf of the Authority or accepts employment of legal practitioner against the Authority;

(2) A person shall not be disqualified under clauses (e) and (f) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his having a share or interest in any newspaper in which any advertisements relating to the affairs of the Authority is inserted.

6. Removal of member.- (1) The State Government shall remove the other member if,-

- (a) he becomes subject to any of the disqualifications mentioned in section 5:

Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of sub-section (1) of that section, unless he has been given an opportunity of making his representation against the proposal; or

- (b) he refuses to act or becomes incapable of acting; or

(c) he without obtaining leave of absence from the Authority absents from three consecutive meetings of the Authority ; or

(d) in the opinion of the State Government he has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he has been given an opportunity of making his representation against the proposal.

7. Executive Director.- (1) The Executive Director shall be a whole time officer of the Authority.

(2) The Director of Medical Education shall be the Executive Director of the Executive committee.

8. Officers of the Authority and conditions of service.- (1) Subject to such rules as may be prescribed, the State Government or such other officer as the State Government may authorise, may appoint or depute such officers and employees as it may deem necessary for the efficient discharge of its functions.

(2) The recruitment and terms and conditions of service of the officers and servants specified above shall be such as may be prescribed:

Provided that the tenure, remuneration, terms and conditions of service of persons who are on deputation shall be protected and they shall not be varied to their disadvantage.

9. Meetings of the Authority.- (1) The meetings of the Authority shall be convened by the Chairman or by the Executive Director with the prior approval of the Chairman and shall be held at any place within the jurisdiction of the Authority.

(2) The Authority shall meet at least once in every two months.

(3) The Chairman or the Executive Director with the prior approval of the Chairman shall convene a special meeting if the Chairman feels it necessary.

(4) The Authority shall observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.

(5) Every meeting shall be presided over by the Chairman and if for any reason, the Chairman is unable to attend any meeting, the Vice-Chairman shall preside at the meeting.

(6) Half of the members shall form the quorum.

10. Proceedings presumed to be good and valid.- No disqualification of or defect in the appointment of any person acting as Chairman or member shall be deemed to vitiate any act or proceeding of the Authority if such act or proceeding is otherwise in accordance with the provisions of this Act.

11. Executive Committee of the Authority.- (1) There shall be a Executive Committee of the Authority to carry on day to day business of the Authority.

(2) The Executive Committee shall have the power to transact all business of the Authority and shall report all important matters of the Authority for approval in the next meeting.

(3) The Executive Committee shall consist of the following members, namely:-

(a) The Executive Director	: Chairman
(b) An officer not below the rank of Deputy Secretary	: Member

to the Government nominated by the State Government	
(c) The Registrar	: Member Secretary

(4) The administrative and financial powers of the Executive Committee shall be such as may be prescribed.

12. Duties and responsibilities of the Executive Director.- (1) The Executive Committee subject to approval of the Authority shall take decision on every matters including finance or administration and other matters concerned regarding the conducting of examination. All matters to the Government shall be addressed by the Executive Director of the Authority.

(2) The Executive Director of the Authority shall exercise the powers of the Executive Committee. The Executive Director of the Authority is responsible for operating the bank accounts jointly with the Registrar.

(3) The Executive Director shall exercise in respect of the office of the Authority, such powers as are exercised by “Head of the office” under the State Government and perform the duties as have been given in the rules and regulations. He shall also be responsible for the safety of the property control and management of the office accounts/funds and correspondence and shall see that the office staff attend punctually and generally fulfill all such duties as required by the Authority. He shall be responsible for planning the agenda of the Authority meeting. He shall circulate the proceedings of the meeting to all the members within thirty days after the meeting and initiate action to implement all the decision of the meeting.

(4) The Executive Director shall cause inspection of the para medical institutions, the schools of Nursing/Institutes of Nursing and verify the sanctioned intake, admission of students, approval of the Indian Nursing Council, New Delhi, academic events such as internal assessment marks, implementation of syllabus, availability of faculty and infrastructure, such as library, accommodation, building, etc., as per the guidelines of Indian Nursing Council, New Delhi.

(5) The Executive Director shall call for Authority meeting before the announcement of annual and supplementary examination results and also special meeting when occasion arises.

(6) The Executive Director shall be responsible for timely issue of Diploma Certificates, Marks cards and Verification of certificates received from police department, embassies, Human Resources Department and other allied departments.

(7) The Executive Director shall sign vakalat in all legal matters.

(8) The Executive Director shall be responsible for conducting workshop of nursing/orientation programme pertaining to nursing/para medical examination.

(9) The Executive Director shall be responsible for conducting enquiries on disciplinary proceedings against the Authority officials.

(10) The Executive Director shall prepare bills and sign cheques jointly with the Registrar of the Executive Committee for drawing and disbursement of the amount.

(11) The Executive Director shall be responsible for maintaining of cash book and other financial records as per the Karnataka Financial Code, 1958.

(12) The Executive Director is responsible for cash disbursement to the officials, suppliers and also to the concerned persons.

(13) The Executive Director is responsible for maintenance of records as per office procedure prescribed by the Government of Karnataka.

(14) The Executive Director is responsible for maintenance of stores and stock accounts of the Authority.

(15) The Executive Director is responsible for maintenance of service registers of the staff and the personal files.

(16) When the Executive Director proceeds on long leave/preparatory to retirement/when the vacancy occurs under any circumstances, the a suitable officer appointed by the Government shall be placed in additional charge till a successor is appointed or till the incumbent returned from leave.

(17) The Executive Director may with prior approval of the Chairman, delegate any of his powers specified above to his subordinates for smooth functioning of the Authority.

13. Sub-Committee.-The Authority may for any specific purpose academic matter, examination and evaluation matters constitute a Sub-Committee consisting of such members not exceeding five members from amongst its members, the Secretary of the Authority shall be the Chairman of the Sub-Committee.

14. Powers and duties of Sub-Committee.- (1) The Sub-Committee shall exercise such of the powers and perform such duties of the Authority which are delegated to it by the Authority.

(2) The Sub-Committee shall meet whenever the Executive Director calls the meeting.

(3) The Sub-Committee shall take decisions on urgent matters to review the prompt implementation of the decision of the Authority and suggest on urgent matter for action by the State Government.

(4) The Sub-Committee shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.

15. Obtaining the services of experts.- (1) In order to carry out the purposes of the Act, the Authority if necessary, may obtain the services or assistance of the experts in such manner as it may deems fit.

(2) Honorarium and allowances payable to such experts for the services or assistance so rendered shall be of such an amount as may be prescribed.

CHAPTER - III

16. Objective and aims of the Authority.- (1) To provide high standard of nursing and paramedical education and nursing practice in accordance with the objectives as laid down by the Indian Nursing Council, New Delhi.

(2) To provide scope for innovation and elevation of nursing and paramedical education by research and experimentation.

(3) To prepare qualified paramedical staff and nursing staff with skill and ability.

17. Functions of Authority.- (1) To co-ordinate, regulate and bring a uniform standard in para medical education and in nursing education in Karnataka subject to the guidelines of the Indian Nursing Council (INC), New Delhi.

(2) To regulate admission in nursing and paramedical institutions.

(3) To regulate recognition and maintenance of standards in institutions imparting nursing and paramedical education.

(4) To arrange to conduct Diploma Nursing Examination and paramedical courses.

(5) To conduct examinations and to issue marks cards of each years of examination and Diploma certificates to successful candidates.

(6) To maintain and enhance the educational standard of schools of nursing and paramedical sciences by conducting educational programmes orientation workshops and seminars.

(7) To prepare the calendar of events at the beginning of each academic year.

(8) To decide and initiate disciplinary action in case of malpractices, impersonation and illegal activities in the examination.

(9) To appoint the panel of examiners.

(10) To appoint an Auditor for auditing the accounts and also legal adviser.

(11) Selection of examination centers.

18. Regulation of nursing and paramedical education.- (1) The Authority may, regulate nursing and para medical education at all levels in accordance with the provisions of this Act.

(2) The Authority 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) recognise educational institutions;

(d) 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;

(e) prescribe the conditions for eligibility of or admissions to any educational institution or class of such institutions;

(f) permit or establish institutions imparting education in nursing and para medical courses; and

(g) take from time to time such other steps as they may consider necessary or expedient.

19. 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.

20. The Authority to prescribe curricula, etc.- (1) Subject to such rules as may be prescribed, the Authority 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) 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; and
- (f) promotion of civic sense.

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

(4) In every recognised educational institution,-

- (a) the course of instruction shall conform to the curricula and other conditions prescribed 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.

CHAPTER - IV

EDUCATIONAL AUTHORITIES

21. Appointment of officers.- (1) The Authority may appoint the Registrar and such number of officers as may be necessary to assist the Executive Director in the exercise of the powers conferred on and the performance of the functions entrusted to him by or under this Act.

(2) Subject to the provisions of this Act and the general or special orders of the State Government, and the Authority made in this behalf, the Executive Director shall be the Chief Controlling Authority in all matters connected with the administration of such part of education in the State as may be allotted by the State Government by an order in this behalf.

(3) All persons employed in the administration of this Act shall be subject to the superintendence, direction and control of the Authority and the officer or officers to whom each officer shall be subordinate shall be determined by the Authority.

CHAPTER - V

RECOGNITION OF EDUCATIONAL INSTITUTIONS, ETC.



22. Recognition.- (1) Recognition may be accorded to any educational institution registered as a society or a trust.

(2) The granting of recognition shall be subject to fulfillment of the following conditions, namely:-

- (a) security deposit of the prescribed amount decided by the Authority shall be made within the time specified;
- (b) the Governing Council shall possess or be assured of adequate funds to run the institution on a stable footing; and
- (c) such other general or special conditions as may be prescribed in regard to accommodation, appointment of teaching and other staff, the code of conduct as prescribed by the Authority to be accepted and observed by the Governing Council, furniture and equipment, syllabi, text-books and such other matters relating thereto.

(3) Any Governing Council seeking recognition or a private educational institution shall make an application to the competent authority furnishing such particulars and in such manner and accompanied by such fee as may be prescribed.

(4) The competent authority after satisfying itself that the application is in accordance with the rules, may dispose the application in accordance with sub-sections (6) to (8), or if deemed necessary forward the application to the expert body for obtaining its report under clause (b) of sub-section (1) of section 23.

(5) The expert body receiving the application forwarded under sub-section (4) shall return it to the competent authority along with its report within such time as may prescribed.

(6) The competent authority, after considering the report, if any, received from the expert body and after holding such inspection or enquiry as it may deem necessary shall, by order, in writing,-

- (a) grant recognition, where the conditions for recognition applicable to such institutions are fulfilled; or
- (b) grant approval provisionally subject to the fulfillment of the conditions for recognition within a period specified or extended from time to time by such authority:

Provided that the educational institution shall not admit any fresh batch of students during the period of such provisional approval.

(7) If a period is specified or extended under sub- clause (b) of sub-section (6), the competent authority may immediately after the expiry of such period, obtain from the expert body, a report or a further report under section 23. The competent authority, after considering the report or the further report, if any, and holding such inspection or enquiry as may be deemed necessary shall, by order in writing grant recognition where all the conditions for recognition applicable to such institutions are fulfilled or for reasons to be recorded in writing, refuse recognition where such conditions are not fulfilled:

Provided that recognition shall not be so refused unless the applicant is given an opportunity of being heard.

(8) Every order of grant or refusal of recognition passed under this section shall be communicated to the applicant.

23. Expert body.- (1) The Authority shall subject to such rules, as may be prescribed, constitute such number of bodies of experts as may be deemed necessary,-

- (a) to consider the need for providing educational facilities to the people in the locality or for the type of education;
- (b) to consider whether the special conditions, if any, for recognition applicable to any institution have been fulfilled by such institution;
- (c) to recommend to the Authority from time to time, modifications or changes in the conditions for recognition; and
- (d) to make recommendations to the Authority or the competent authority on such other matters as may be referred to it by the authority or competent authority.

(2) The body of experts constituted under sub-section (1) shall in accordance with the rules prescribed thereunder submit its report or further report to the competent authority or the authority, as the case may be.

24. Recognition of existing institution, etc.- (1) Notwithstanding anything contained in section 22,-

(a) educational institutions established and run by the State Government or by any authority sponsored by the Central or State Government or by a local authority and approved by the competent authority in accordance with such conditions as may be prescribed shall be deemed to be educational institutions recognised under this Act;

(b) all educational institutions or any local authority institutions other than those specified in clause (a) imparting education in nursing and para medical sciences, which are established and recognised in accordance with rules in force immediately before the commencement of this Act and in existence at such commencement shall be deemed to be educational institutions established and recognised under this Act, provided they comply with the provisions of this Act and the rules made thereunder within such period and in accordance with such procedure as may be prescribed.

(2) Any private educational institution imparting education which is in existence at the commencement of this Act but which has not been recognised in accordance with the rules in force immediately before such commencement shall discontinue to impart education from such commencement, unless within sixty days of such commencement, an application for recognition is made, in accordance with the provisions of this Act and the rules made thereunder and every such application shall be disposed of within sixty days of its receipt by the competent authority. No person shall run any such institution after the application for recognition is rejected.

25. Withdrawal of recognition.- (1) Where any local authority or the Governing Council of any private educational institution,-

- (a) ails to fulfill all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers;
- (b) denies admission to any citizen on ground of religion, race, caste, language or any of them;
- (c) directly or indirectly encourages in the educational institution any propaganda or practice wounding the religious feelings of any class of citizens of India or insulting religion or the religious belief of that class;
- (d) employs or continues to employ any teacher whose certificate has been cancelled or suspended by the competent authority after due enquiry or who has been considered by the competent authority after due enquiry to be unfit or undesirable to be a teacher or arbitrarily terminates the services of a teacher or fails to comply with the orders of the competent authority in this regard;
- (e) fails to remedy the defects in the instruction or accommodation or deficiencies in the management or discipline within such time as may be specified therefor by the competent authority;

(f) contravenes any of the provisions of this Act, the rules and orders made thereunder, the competent authority may, for reasons to be recorded in writing, withdraw the recognition of the institution or take such other action as is deemed necessary, after giving to the local authority or as the case may be, the Governing Council an opportunity of making its representation against such withdrawal or action.

(2) Where the Authority is of the opinion that the recognition granted to any local authority institution or private educational institution should, in the public interest be withdrawn, they may after giving to the local authority or as the case may be the Governing Council of the institution one month's notice to make any representation, withdraw by notification the recognition granted to the said institution.

(3) Notwithstanding anything contained in any other law for the time being in force, no educational institution which has not been recognised, or the recognition of which has been withdrawn under this Act shall be entitled to,-

- (a) receive any grant-in-aid from the State funds or other financial assistance or other facilities from the Government;
- (b) send up or present candidates for examinations in courses of study conducted by the Authority.

CHAPTER - VI

MANAGEMENT OF RECOGNISED PRIVATE EDUCATIONAL INSTITUTIONS AND LOCAL AUTHORITY INSTITUTIONS, ETC.

26. Duties of management of local authority institution.- (1) It shall be the duty of the management of local authority institution to comply with all the provisions of this Act and the rules or orders made thereunder.

(2) Without prejudice to the generality of the fore-going provision, it shall be the duty of the management of a local authority institution,-

(a) to ensure that all monies collected by or granted or allotted to the local authority by or under this Act, are expended for educational purposes; and

(b) to submit every year before such date and to such authority, as may be prescribed, an annual report relating to the administration of the local authority institution and an annual budget estimate relating thereto.

27. Management of recognised educational institutions.- (1) No recognised private educational institutions shall be managed except in conformity with the rules which the State Government or the Authority may frame for such institutions after previous publication.

(2) The rules under sub-section (1) may, inter alia, include,-

(a) qualification for posts of teaching and non-teaching employees;

(b) the manner of recruitment of the teaching and non-teaching employees;

(c) scales of pay and allowances admissible;

(d) leave, pension, provident fund, insurance and such other benefits;

(e) maintenance and enforcement of discipline of employees;

(f) powers, functions and responsibilities of the management;

(g) duties and responsibilities of the Secretary of the institution; and

(h) maintenance and submission of records, accounts and other returns to the prescribed authority.

(3) No private educational institution shall collect fee in excess of the amount permitted by the Authority or any fee or donation prohibited by any law.

(4) The Governing Council shall have the power to appoint the head of the institution and also to take disciplinary action against him according to the prescribed rules.

(5) If there is a change in the Governing Council of the institution or change in the location of the institution a fresh application for recognition shall be made as if it were a newly started institution.

28. Library service.- The Authority shall endeavour to make adequate provision for the establishment of school and college libraries in recognised educational institutions and provide the necessary facilities for the proper use of such libraries by the students studying in such institutions.

CHAPTER - VII

TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES IN PRIVATE EDUCATIONAL INSTITUTIONS

29. Qualifications, conditions of service of employees.- The Authority may after previous publication make regulations regulating the recruitment and conditions of service (including rights as regards disciplinary matters) of the employees in recognised private educational institutions:

Provided that the minimum qualifications for recruitment, age of recruitment, and retirement and benefits of retirement for employees in educational institutions receiving maintenance grant from the State Government shall be the same as those applicable for the corresponding category of employees, if any, in State Institutions unless otherwise prescribed.

30. Appointment of employees.- No person who does not possess the requisite qualifications prescribed under section 29 shall on and from the date of commencement of this Act be appointed as an employee in a recognised private educational institution.

31. Schedule of employment to be maintained.- (1) Every private educational institution shall maintain a Schedule of employees indicating therein the number of persons in its employment, the name and qualification of each employee, the grade of pay, mode of payment and such other particulars as may be prescribed and shall be submitted to the Authority every year before the due date prescribed by the Authority.

(2) Within three months from the date of commencement of this Act and within a like period after any alteration in such schedule is made, a private educational institution shall submit a copy of the schedule or alterations made therein, as the case may be, to the Authority or such other officer as may be notified for this purpose.

(3) The schedule of appointments for the time being in force shall be kept at the office of the private educational institution and shall during office hours, be open free of charge, to inspection by any employee of that private educational institution. The names and qualifications of the teaching staff shall be displayed in a prominent place in the institution.

32. Code of conduct.- (1) Every employee of a private educational institution shall be governed by the prescribed code of conduct and if he violates any provision thereof he shall be liable for the prescribed disciplinary action.

(2) The managing committee may with prior approval of the Authority or any authority authorised in this behalf by the Authority also prescribe standards of conduct to be observed by employees, provided they are not inconsistent with those prescribed under sub-section (1).

CHAPTER - VIII

CONTROL OF PRIVATE EDUCATIONAL INSTITUTION

33. Code of Conduct for Governing Council.- The Governing council of private educational institutions shall be governed by such Code of Conduct as the State Government may after previous publication prescribe. In such other matters arising under this Act and not covered by the Code of Conduct aforesaid, the Governing Council shall be governed by such Code of Conduct prepared by it with the prior approval of the State Government as is not inconsistent with the Code of Conduct prescribed by the Authority which shall be communicated to the competent authority for information.

34. Furnishing of list of properties.- (1) Every private educational institution shall, maintain a list of the properties, both moveable and immoveable owned or possessed by it.

(2) The management shall, on or before the prescribed date, furnish to the competent authority a copy of such list in the manner and form as may be prescribed.

35. Utilisation of Funds, etc.- (1) All moneys collected, grants received and all property held by the management on behalf of a private educational institution shall be utilised for the prescribed purposes and the purposes for which they are intended and shall be accounted for by the private educational institution in such manner as may be prescribed.

(2) The funds of the private educational institution shall be deposited by it in such manner as may be prescribed.

36. Private Institution not to be closed down, etc., without sufficient notice.- (1) Save as otherwise provided in this Act, no private educational institution shall be closed down or discontinued, unless a notice of not less than one academic year and indicating the intention to do so, has been given by the Governing Council to the officer authorised by the competent authority in this behalf.

(2) On the closure of a recognised private educational institution, all its properties relatable to the grant-in-aid given by the State Government as may be determined by the competent authority shall vest in the State Government.

CHAPTER - IX

PENALTIES

37. Penalty for ragging.- (1) No person who is a student in an educational institution including an institution under the direct management of the University or of the Central Government shall commit ragging.

(2) Any person who contravenes sub-section (1) shall on conviction be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

38. Penalty for establishing unregistered educational institutions etc.- Any person, who, establishes or as the case may be, maintains or runs an educational institution in contravention of section 22 after registration is refused for such institution or withdrawn under section 25 shall on conviction, be punished with imprisonment for a term which may extend to three years but shall not be less than six months and with fine which may extend to five thousand rupees but not less than one thousand rupees.

39. Penalty for collecting money in contravention of section 27.- Where any educational institution is found to be collecting money in contravention of the provisions of sub-section (3) of section 27, every person, who at the time of such collection was incharge of, and shall be responsible to the institution for its management shall, on conviction, be punished with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees. On such conviction the institution shall refund the monies so collected to the person from whom it was collected.

40. Penalty for contravention of code of conduct by Governing Council.- Where any Governing Council, intentionally or knowingly contravenes any code of conduct prescribed in section 33, every member thereof, shall without prejudice to any other action as may be taken under this Act and the rules made thereunder, be punished, on conviction, with fine not exceeding five hundred rupees for every such contravention.

41. Penalty for failure to give notice of closure of institutions.- If the Governing Council of any private educational institution fails to give the notice required under sub-section (1) of section 36 every member thereof shall on conviction be punished with simple imprisonment which may extend

to two months or with fine which may extend to ten thousand rupees or with both and with fine of fifty rupees for every day's default.

42. Penalties not otherwise provided for.- If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or rules made thereunder other than those punishable under the provisions hereinbefore contained, he shall, on conviction, be punished with fine which may extend to five hundred rupees for every such contravention and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of contravention of the Act or rules.

43. Offences 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 had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained 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 director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

(a) a company, means any body corporate and includes a trust a firm a society or other association of individuals; and

(b) the director in relation to,-

(i) a firm, means a partner in the firm.

(ii) a society, a trust or other association of the 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.

44. Penalty for obstructing officer or other person exercising powers under this Act.- Any person who obstructs an officer prescribed by or appointed by the Authority or by the State Government in 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 thousand rupees.

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

46. Investigation and cognizance of offences.- No court shall take cognizance of any offence punishable under this Act or the abetment of any such offence, save on complaint made by the competent authority or with the previous sanction of such authority.

47. 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.

CHAPTER - X

AUTHORITY FUND

48. Fund of the Authority.- (1) There shall be a fund called the Authority Fund.

(2) The following shall form part of, or be paid into the Authority Fund, namely:-

- (i) all fees, grants, subventions, donations and gifts made by the Central Government, State Government, any local authority, any body whether incorporated or not or any persons; and
- (ii) all other sums received by or on behalf of the Authority from any source whatsoever;
- (iii) the fund of the para medical examination Board and nursing examination Board on the date of commencement of this Act.

(3) Except as otherwise directed by the State Government all money credited to the Fund shall be invested in any Scheduled bank.

(4) The administrative expenses to the Authority including the salaries, allowances and pensions payable to the Executive Director and other officers and employees of the Authority shall be defrayed out of the Fund of the Authority.

49. Allocation for project and programme.- The State Government may keeping in view the project and programmes of the Authority, make financial allocations to the Authority in the annual Budget of the State.

50. Grant by State Government.- Only when the Authority is not able to generate its own fund then the Government can make grant to the Authority.

51. Accounts and audit.- (1) Accounts of the income and expenditure of the Authority Fund shall be kept in accordance with such rules as may be prescribed.

(2) The Authority shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The accounts of the Authority shall be audited at least once in three years by such auditor as the State Government may appoint.

(4) The auditor shall for the purposes of the audit, have access to all the accounts and other records of the Authority.

(5) The Authority shall pay from its fund such charges for the audit as may be prescribed.

(6) As soon as may be after the receipt of the report of the auditor, the Authority shall send a copy of the annual statement of accounts, together with a copy of the report of the auditor to the

State Government and shall cause to be published the annual statement of accounts in such manner as may be prescribed.

(7) The State Government may after perusal of the report of the auditor give such directions as it thinks fit to the Authority and the Authority shall comply with such directions.

CHAPTER - XI

MISCELLANEOUS

52. Report.- The Authority shall before such dates, in such form and at such interval as may be prescribed submit the prescribed report to the State Government.

53. Budget of the Authority.- The Authority shall prepare every year before such date and in such form as may be prescribed a budget estimate of its income and expenditure for the financial year to commence on the first day of April next following and shall forward it to the State Government.

54. Appeals.- 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 Minister incharge of Medical Education.

55. 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.

56. Review.- (1) The State Government or the Executive 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 55 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.

57. Powers of Government to give directions.- (1) The State Government may, subject to other provisions of this Act, by order, direct the Authority or the Director or any other officer not below the rank of the Registrar 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 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, 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.

58. 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 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 authorized by the Authority 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 after the recommendation by the Authority 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).

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

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or decide that any rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, 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 rule.

60. Power of Authority to make regulations.- The Authority may subject to the provisions of this Act and the rules made under section 59 and with the previous sanction of the State Government, by notification, make regulations to carry-out the purposes of this Act.

61. Transitory provisions.- Any rule, notification, order or appointment, made or issued under the Karnataka Nurses, Midwives and Health Visitors Act, 1961 (Karnataka Act 4 of 1962) or otherwise providing for or relating to any of the matters for the furtherance of which this Act is an enacted, before the commencement of this Act and in force on the date of commencement of this Act, to the extent they are not inconsistent with the provisions of this Act, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Act unless and until superseded by anything done or any Act action taken or any rule, notification, order or appointment made under this Act.

62. Amendment of Karnataka Act 4 of 1962.- Sections 23 and 24 of the Karnataka Nurses, Midwives and Health Visitors Act, 1961 (Karnataka Act 4 of 1962) shall be omitted.

The above translation of ಕರ್ನಾಟಕ ನರ್ಸಿಂಗ್ ಮತ್ತು ಅರೆವೈದ್ಯಕೀಯ ವಿಜ್ಞಾನಗಳ ಶಿಕ್ಷಣ (ನಿಯಂತ್ರಣ) ಪ್ರಾಧಿಕಾರ, ಅಧಿನಿಯಮ, 2012 (2013ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 10) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

By Order and in the name of the Governor of Karnataka

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary
Affairs and Legislation.

GOVERNMENT OF KARNATAKA

No. HFW 217 MMC 2013

Karnataka Government Secretariat,

Vikas soudha,

Bengaluru, Dated: 05.08.2013.

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Nursing and Paramedical Sciences Education (Regulation) Authority Act, 2012 (Karnataka Act 10 of 2013) the Government of Karnataka, hereby appoints the 05.08.2013 as the date on which all the provisions the said Act shall come in to force.

By order and in the name of

Governor of Karnataka.

(MAHABOOBKHAN)

Under Secretary to Government-2
Health and Family Welfare Department
(Medical Education)
