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Fourteenth Kerala Legislative Assembly

Bill No. 119

**THE KERALA STATE HIGHER EDUCATION COUNCIL
(AMENDMENT) BILL, 2018**

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A

BILL

to amend the Kerala State Higher Education Council Act, 2007.

Preamble.—WHEREAS, it is expedient to amend the Kerala State Higher Education Council Act, 2007, for the purposes hereinafter appearing;

BE it enacted in the Sixty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala State Higher Education Council (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 5th day of July, 2017.

2. *Amendment of the preamble.*—In the Kerala State Higher Education Council Act, 2007 (22 of 2007) (hereinafter referred to as the principal Act), in the preamble, in the first paragraph, for the word “experts”, the words and symbol “experts, students” shall be substituted.

3. *Substitution of certain expressions by certain other expressions.*—In the principal Act, for the words “Advisory Council”, “Executive Council” and “Governing Council”, wherever they occur, the words “Advisory Body”, “Executive Body” and “Governing Body” shall, respectively, be substituted.

4. *Amendment of section 2.*—In section 2 of the principal Act, after clause (s), the following clause shall be inserted, namely:—

“(sa) “RUSA” means the Rashtriya Uchchar Shiksha Abhiyan, a centrally sponsored scheme for higher education;”.

5. *Amendment of section 4.*—In section 4 of the principal Act,—

(i) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

“(a) to render advice to the Government, Universities, colleges and other institutions of higher education in the State in matters of access, equity and academic quality;”;

(ii) in sub-section (2), after clause (y), the following clauses shall be inserted, namely:—

“(z) conduct longitudinal studies to understand the impact of student learning;

(za) promote and integrate relevant indigenous knowledge systems in the State higher education system;

(zb) evolve programmes to improve access of differently abled students to higher education;

(zc) collaborate with the Government in the implementation of RUSA and similar centrally sponsored schemes and other central sector schemes within the State;

(zd) evolve common academic guidelines for Universities in the State for mutual recognition, approval or equalization of academic programmes or areas of studies and nomenclature thereof;

(ze) evolve common academic guidelines for Universities in the State for recognition, approval or equalization of academic programmes or areas of studies and nomenclature thereof of various programmes conducted by Universities or higher education institutions outside the State and outside the country;

(zf) facilitate the dissemination of knowledge on higher education to target audience through electronic and print media.”.

6. *Amendment of section 5.*—In section 5 of the principal Act, after sub-section (3) , the following sub-section shall be inserted, namely:—

“(4) The Patron may refer any matter relating to higher education and higher educational institutions as he deems fit, for the expert opinion of the Council.”.

7. *Amendment of section 6.*—In section 6 of the principal Act, after

sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The Visitor may refer any matter relating to higher education and higher educational institutions, as he deems fit, for the expert opinion of the Council.”.

8. *Amendment of section 9.*—In section 9 of the principal Act, in sub-section (3), after the words “as may be prescribed”, the words “or delegated from time to time by the Vice-Chairman” shall be inserted.

9. *Amendment of section 10.*—In section 10 of the principal Act, in sub-section (4), after the words “as may be prescribed”, the words “or delegated from time to time by the Vice-Chairman” shall be inserted.

10. *Amendment of section 11.*—In section 11 of the principal Act, in sub-section (2),—

(i) after the words “shall be reconstituted”, the word “simultaneously” shall be inserted;

(ii) in the proviso, for the words “shall continue to be in office for a further period of six months or till their reconstitution, whichever is earlier”, the words “shall continue to hold office till their reconstitution” shall be substituted.

11. *Amendment of section 12.*—In section 12 of the principal Act,—

(i) for item (k), the following item shall be substituted, namely:—

“(k) one Vice-Chancellor of a University outside the State of Kerala established by an Act of another State, nominated by the Government;”;

(ii) after item (ab), the following items shall be inserted, namely:—

“(ac) one Chairman or Vice-Chairman of a State Higher Education Council outside the State of Kerala, nominated by the Government;

(ad) one Vice-Chancellor of a Central University outside the State, nominated by the Government.”.

12. *Amendment of section 14.*—In section 14 of the principal Act, after item (r), the following items shall be inserted, namely:—

“(s) one nominee of the Ministry of Human Resources Development, Government of India, not below the rank of a Joint Secretary;

(t) State Project Director, RUSA;

(u) one Principal of an affiliated college, nominated by the Government;

(v) one non-teaching staff member of a University or College, nominated by the Government.”.

13. *Amendment of section 15.*—In section 15 of the principal Act, in clause (k),—

(i) after the words “it shall meet”, the words “at least twice a year and” shall be inserted;

(ii) the words “provided that it shall meet at least twice a year” shall be omitted.

14. *Amendment of section 17.*—In section 17 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

“(c) it shall nominate one of its members to the Academic Council of each University.”.

15. *Amendment of section 20.*—In section 20 of the principal Act, in sub-section (1), in the first proviso, the words “for a further period of six months or” and the words “whichever is earlier” shall be omitted.

16. *Amendment of section 25.*—In section 25 of the principal Act, in sub-section (1), after the words “the University Grants Commission”, the word “RUSA” shall be inserted.

17. *Special provision relating to existing Governing Council.*— Notwithstanding anything contained in the principal Act, on and from the date of commencement of the Kerala State Higher Education Council (Amendment) Ordinance, 2017 (13 of 2017), the existing Governing Council shall stand dissolved and all the members of the said Governing Council shall be deemed to have vacated their offices as such on such dissolution.

18. *Repeal and saving.*—(1) The Kerala State Higher Education Council (Amendment) Ordinance, 2018 (14 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Government have decided to amend the Kerala State Higher Education Council Act, 2007 (22 of 2007) in accordance with the guidelines of the Rashtriya Uchchatar Shiksha Abhiyan (RUSA).

2. In order to avoid the confusion that may arise due to the nomenclature of the Kerala State Higher Education Council, the Government have decided to substitute the words 'Advisory Council', 'Executive Council' and 'Governing Council' as 'Advisory Body', 'Executive Body' and 'Governing Body', respectively. It is also decided to incorporate certain provisions in the Act for the furtherance of the responsibilities and functions of the Council and for promoting higher education system. It is decided to constitute all bodies of the Council simultaneously for the proper and continuous functioning of the Council without any break.

3. Government have also decided to include one Vice-Chancellor of a University outside the State and one Chairman or Vice-Chairman of a State Higher Education Council outside the State in the Advisory Body to strengthen the synergy of relations among the State Higher Education Councils. It is also proposed to include the State Project Director, RUSA in the Governing Body and to ensure representation of the categories of principals and non-teaching staff. As the students constitute the primary clientele of the Higher Education Council, it is decided to include the term "students" also in the preamble to the said Act.

4. In order to get over the difficulty created by technical continuance of the Governing Council which was constituted at a later period after the constitution of its Executive Council, it is decided to include a special provision to dissolve the existing Governing Council.

5. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala State Higher Education Council (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on the 5th day of July, 2017 and the same was published as Ordinance No. 13 of 2017 in the Kerala Gazette Extraordinary No. 1408 dated the 5th day of July, 2017.

6. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala in its session which commenced on the 7th day of August, 2017 and ended on the 24th day of August, 2017.

7. In order to keep alive the provisions of the said Ordinance, the Kerala State Higher Education Council (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on the 16th day of September, 2017 and the same was published as Ordinance No. 20 of 2017 in the Kerala Gazette Extraordinary No. 1975 dated the 16th day of September, 2017.

8. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala in its session which commenced on the 9th day of November, 2017 and ended on the same day itself.

9. In order to keep alive the provisions of the said Ordinance, the Kerala State Higher Education Council (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on the 21st day of December, 2017 and the same was published as Ordinance No. 37 of 2017 in the Kerala Gazette Extraordinary No. 2786 dated the 21st day of December, 2017.

10. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 90 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018.

11. In order to keep alive the provisions of the said Ordinance, the Kerala State Higher Education Council (Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 12th day of February, 2018 and the same was published as Ordinance No. 14 of 2018 in the Kerala Gazette Extraordinary No. 338 dated the 12th day of February, 2018.

12. The Bill seeks to replace Ordinance No. 14 of 2018 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Sections 12 and 14 of the Kerala State Higher Education Council Act, 2007, proposed to be amended by clauses 11 and 12 of the Bill, provides for inclusion of two members in the Advisory Body and four members in the Governing Body of the Kerala State Higher Education Council. An amount of Rs. 1,10,000 (Rupees one lakh ten thousand only) is expected to be the expenditure that may be incurred from the Consolidated Fund of the State as recurring expenditure to meet the travelling allowance, dearness allowance and sitting fee of the members proposed to be included as per this Bill. There may be variations in the amounts to be spent under this item depending upon the number of meetings convened and the venue of meetings.

Prof. C. RAVEENDRANATH

EXTRACT FROM THE KERALA STATE HIGHER
EDUCATION COUNCIL ACT, 2007

(22 OF 2007)

* * * *

Preamble.—WHEREAS, it is expedient to establish a State Higher Education Council as a collective of the Government, Universities, academics experts and people's representatives in order to forge a synergic relationship among them by occupying an operational space in between the Government and Universities and between Universities and apex level regulatory bodies, with the objects of (i) ensuring the autonomy and accountability of all institutions of higher education in the State, (ii) promoting academic excellence and social justice by providing academic input to the State Government for policy formulation and perspective planning, and (iii) guiding the growth of higher education in accordance with the socio-economic requirements of the State;

* * * *

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

* * * *

(a) “Advisory Council” means the Advisory Council of the Council;

* * * *

(g) “Executive Council” means the Executive Council of the Council;

(h) “Governing Council” means the Governing Council of the Council;

* * * *

(s) “regulations” means the regulations made by the Governing Council under this Act;

* * * *

4. *Responsibilities and functions of the Council.*—(1) The Council shall have the following general responsibilities and functions, namely:—

(a) to render advice to the Government, Universities and other institutions of higher education in the State;

* * * *

(2) For the furtherance of the above responsibilities and functions, the Council shall specifically undertake the following, namely:—

* * * *

(y) evolve schemes to sensitise the students to environmental and gender issues.

5. *The Patron.*—(1) The Governor of Kerala, by virtue of his office shall be the Patron of the Council.

* * * *

(3) The Patron shall have the right to address any meeting of the Council, if he so desires.

6. *The Visitor.*—(1) The Chief Minister of Kerala shall, by virtue of his office, be the Visitor of the Council.

* * * *

(3) The Visitor, shall preside over the meeting of the Advisory Council.

* * * *

9. *The Member-Secretary.*—(1) An academician, preferably with administrative experience, shall be appointed by the Government as Member-Secretary of the Council.

* * * *

(3) The Member-Secretary shall exercise such powers and perform such other functions as may be prescribed.

* * * *

10. *The Registrar.*—(1) An officer not below the rank of a Joint Secretary to Government shall be appointed by the Government as Registrar of the Council on deputation.

* * * *

(4) The Registrar shall exercise such other powers and perform such other functions as may be prescribed.

* * * *

11. *Composition of the Council.*—(1) The Council shall comprise of the following bodies, namely:—

- (a) the Advisory Council;
- (b) the Governing Council;
- (c) the Executive Council.

(2) The Bodies of the Council shall be reconstituted every four years from the date of their constitution:

Provided that in the event of delay in the reconstitution of the Bodies, they shall continue to be in office for a further period of six months or till their reconstitution, whichever is earlier.

12. *The Advisory Council.*—The Advisory Council shall consist of the following members, namely:—

* * * *

(k) one Vice-Chancellor of a University outside the State, nominated by the Government;

* * * *

(ab) one Mayor, nominated by the Government.

* * * *

14. *The Governing Council.*—The Governing Council shall consists of the following members, namely:—

* * * *

(r) the Agricultural Production Commissioner, *Ex-officio*.

15. *Powers and functions of the Governing Council.*— The Governing Council shall have the following powers and functions, namely:—

* * * *

(k) it shall meet, as often as may be necessary at such time and place and observe such rules of procedure as may be provided in the regulations provided that it shall meet at least twice a year;

* * * *

17. *Powers and duties of the Executive Council.*—The Executive Council shall have the following powers and duties, namely:—

* * * *

(c) it shall nominate one of its members to the Syndicate/Executive Committee of each University and such member shall ensure effective communication of the views of the Council and co-ordinate the implementation of programmes common to all universities;

* * * *

20. *Terms and Conditions of Vice-Chairman, Member-Secretary and Members.*—(1) The Vice-Chairman, Member-Secretary and Members other than the member of the Executive Council nominated under clause (c) of section 16, unless removed from the office in accordance with the provisions of this Act, shall hold office for the entire term of the Body of Council to which they are appointed or nominated or elected as the case may be:

Provided that they shall continue to hold office of Vice-Chairman, Member-Secretary and Members respectively for a further period of six months or till further appointment or nomination or election is made to the respective offices, whichever is earlier:

* * * *

25. *Funds of the Council.*—(1) The funds of the Council shall include all sums which may, from time to time, be paid to it by the Government and all other receipts including any sum from the Central Government, any State Government, the University Grants Commission or any other authority, institutions or person.

* * * *
