

**Twelfth Kerala Legislative Assembly
Bill No. 131**

**THE KERALA STATE HIGHER EDUCATION COUNCIL
BILL, 2007**

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THE KERALA STATE HIGHER EDUCATION COUNCIL BILL, 2007

A

BILL

to provide for the setting up of the Kerala State Higher Education Council.

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 learning 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;

AND WHEREAS, it is necessary to achieve the above said objectives, to empower this Council to (i) review and coordinate the implementation of policies in all higher education institutions in the State including Universities, research institutions and colleges, (ii) network various programmes in higher education undertaken and promoted by the Central and State Governments and by national level regulatory bodies including the University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Medical Council of India, Bar Council of India and other similar statutory bodies, (iii) undertake independent work for the generation and dissemination of new ideas in higher education, (iv) provide common facilities for all Universities, research institutions, colleges and other centres of higher learning (v) provide for the generation and optimum utilization of funds for the expansion and development of higher education and (vi) undertake such other programmes for promoting the objectives of social justice and excellence in education;

BE it enacted in the Fifty-eighth Year of the Republic of India, as follows:—

1. *Short title, Extent and Commencement.*—(1) This Act may be called the Kerala State Higher Education Council Act, 2007.

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(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on 25th January, 2007.

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

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

(b) “All India Council for Technical Education” means the Council constituted under the All India Council for Technical Education Act, 1987 (Central Act 52 of 1987) ;

(c) “Bar Council of India” means the Bar Council constituted under the Advocates Act, 1961 (Central Act 25 of 1961) ;

(d) “Chairman” means the Chairman of the Council ;

(e) “college” means any Higher Education Institution affiliated to a University ;

(f) “Council” means the Kerala State Higher Education Council constituted under section 3 ;

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

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

(i) “Government” means the Government of Kerala ;

(j) “higher education” means the education and research studies leading to the award of a degree or diploma or certificate by a University or approved by the University ;

(k) “institution” means an academic institution of higher learning and research, not being a college, associated with and admitted to privileges of a University or maintained by a University ;

(l) “Medical Council of India” means the Council constituted under the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) ;

(m) “member” means a member of the Advisory Council, the Governing Council or the Executive Council, as the case may be ;

(n) “National Council for Teacher Education” means the Council constituted under the National Council for Teacher Education Act, 1993 (Central Act 73 of 1993) ;

(o) “Notification” means the notification published in the official Gazette ;

(p) “Patron” means the Patron of the Council ;

(q) “prescribed” means prescribed by rules made under this Act ;

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

(s) “State” means the State of Kerala ;

(t) “Statutes”, “Ordinances” and “Regulations” of a University means respectively, the Statutes, the Ordinances and the Regulations issued under the respective Acts of a University ;

(u) “teacher” means any teacher whose appointment has been approved by a University ;

(v) “University” means any University in the State established by an Act of the State Legislature ;

(w) “University Grants Commission” means the Commission established under the University Grants Commission Act, 1956 (Central Act 3 of 1956) ;

(x) “Vice-Chairman” means the Vice-Chairman of the Council ;

(y) “Visitor” means the Visitor of the Council.

3. *Constitution of the Council.*—(1) The Government may by notification constitute, with effect from such date as may be specified therein, a Council to be called the Kerala State Higher Education Council.

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

(3) The headquarters of the Council shall be at Thiruvananthapuram.

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

(a) to provide academic input to the Government and to the Universities, research institutions and other centers of higher learning in the State for the formulation and implementation of the policies on higher education and evolve a perspective plan for the development of higher education, *suo motu* and on the suggestion from Government or requests from Universities or other institutions ;

(b) to undertake independent research for the generation of new ideas for the promotion of social justice and academic excellence in higher education,

hold awareness programmes for the academia and initiate or propose or pilot projects on an experimental basis in selected higher education institutions for implementation of the new ideas ;

(c) to undertake human resources development planning for the State and plan the growth and development of higher education in accordance with such planning ;

(d) to evolve guidelines for international linkages between higher education institutions in the State and institutions outside the country ;

(e) to evolve programmes in order to promote the relevance of higher education for the economic, social and cultural development of the State ;

(f) to evolve appropriate guidelines for regulating admissions to various courses and for appointments to the posts of teachers and teacher-administrators in Universities, colleges and other institutions of higher learning ;

(g) to suggest improvements in curriculum and syllabi in accordance with the changing societal and academic requirements and facilitate the development and publication of appropriate teaching material, including text books, educational softwares and e-learning facilities in order to improve the quality of education ;

(h) to organise short term courses to train and update the knowledge and skills of higher education teaching personnel, educational administrators and other similarly situated ;

(i) to advise the Government on the starting of new courses, colleges, and other higher education institutions in the State ;

(j) to make proposals for the generation and utilisation of funds in accordance with the objectives of this Act ;

(k) to evolve general guidelines for the release of grants by the Government to Universities and advise the Government about the release of such grants to each University ;

(l) to devise schemes for providing equitable opportunities for higher education and scholarships and freeships and financial assistance to the needy students and monitor implementation of Scheduled Castes and Scheduled Tribes welfare programmes of the Central and the State Governments and other Central and State level funding agencies ;

(m) to review periodically the Statutes, Ordinances and Regulations of the Universities in the State and suggest appropriate improvements for the

realisation of the objectives of social justice and academic excellence in education and suggest the framework for new Statutes, Ordinances, or Regulations for existing Universities or other institutions of higher learning or new Universities or other institutions of higher learning;

(n) to provide common facilities for the entire State by establishing centres, namely:—

(i) Centre for Research on Policies in Higher Education ;

(ii) Curriculum Development Centre ;

(iii) Centre for Capacity Building in respect of faculty and educational administrators ;

(iv) State Council for Assessment of Higher Education Institutions ;

(v) Examination Reforms Cell ;

(vi) Human Resources Development, Employment and Global Skills Development Cell.

(o) to conduct workshops and seminars with the objective of facilitating the widest possible consultations with experts and stakeholders before formulating the policies on higher education;

(p) to facilitate the development of a synergic relationship among different agencies such as the State Government, Universities, colleges and other institutions of higher learning in the State and the Central Government and regulatory bodies at the national level;

(q) to co-ordinate and monitor various programmes being promoted and undertaken by Central and State Governments and national level bodies like University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Medical Council of India, Bar Council of India and other similar statutory bodies and State level institutions like Universities, research institutions, colleges and other institutions of higher learning in the territory of India;

(r) to provide a forum for the interaction among the academy, industries, agriculture and service sectors;

(s) to facilitate the conduct of workshops and seminars on questions or importance in higher education in different parts of the State ;

(t) to undertake necessary steps for establishing inter-linkages between research and learning processes ;

(u) to promote extension activities in colleges, institutions and Universities and encourage their integration into the curriculum so that the students and teachers become sensitive to social issues ;

(v) to promote sports and cultural activities in the colleges, other institutions and Universities and integrate them with the co-curricular activities ;

(w) to perform such other functions for the realisation of the twin objectives of social justice and excellence in higher education ;

(x) to initiate steps for promoting democratisation and academic autonomy: of Universities and other institutions of higher learning ;

(y) to 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.

(2) The Patron shall have the right to call for report on any matter pertaining to the affairs of the Council and offer suggestions for the improvement of the functioning 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.

(2) The Visitor shall have the right to call for report on any matter pertaining to the affairs of the Council and offer suggestions for the improvement of the functioning of the Council.

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

7. *The Chairman.*—(1) The Minister in charge of Higher Education of the State shall, by virtue of his office, be the Chairman of the Council.

(2) The Chairman shall have the right to call for report on any matter pertaining to the affairs of the Council and offer suggestions for the improvement of the functioning of the Council.

(3) The Chairman, if present, shall preside over the meeting of the Advisory Council in the absence of the Visitor and shall preside over the meeting of the Governing Council.

8. *The Vice-Chairman.*—(1) An eminent educationalist, preferably a former Vice-Chancellor shall be appointed by the Government as the Vice-Chairman of the Council.

(2) The Vice-Chairman shall be the executive head of the Council.

(3) The Vice-Chairman shall preside over the meetings of the Advisory Council and the Governing Council in the absence of the Visitor and the Chairman of the Council.

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

(2) The Member-Secretary shall be responsible for the co-ordination of the academic functions of the Council.

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

(2) The Registrar shall be responsible for the administration of the office of the Council.

(3) The Registrar shall represent the Council in all suits and other legal proceedings for and against the Council.

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 term of the Council shall be four years from the date of its constitution.

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

- (a) the Visitor ;
- (b) the Chairman ;
- (c) the Leader of Opposition in the Assembly ;
- (d) the Minister for Health and Family Welfare ;

- (e) the Minister for Agriculture ;
- (t) the Minister for Law ;
- (g) the Vice-Chairman ;
- (h) the Member-Secretary ;
- (i) two members of the Parliament from the State, one from the Lok Sabha and the other from the Rajya Sabha, nominated by the Government ;
- (j) five members of the Legislative Assembly of Kerala, of whom one shall be a member of the Scheduled Caste or Scheduled Tribe and one shall be a woman, nominated by the Speaker ;
- (k) one Vice-Chancellor of a University outside the State nominated by the Government ;
- (l) the Vice-Chairman, State Planning Board ;
- (m) the Chairperson, Women's Commission ;
- (n) the Chief Secretary to Government ;
- (o) a prominent industrialist or business man, nominated by the Government ;
- (p) an eminent person from the field of arts or literature nominated by the Government ;
- (q) an eminent person from print or visual media nominated by the Government ;
- (r) an eminent member from the medical profession, nominated by the Government ;
- (s) an eminent sports person, nominated by the Government ;
- (t) an eminent scientist or technologist, nominated by the Government ;
- (u) an eminent planter, nominated by the Government ;
- (v) an eminent jurist, nominated by the Government ;
- (w) one Grama Panchayat President, nominated by the Government ;
- (x) one Block Panchayat President, nominated by the Government ;
- (y) one District Panchayat President, nominated by the Government ;
- (z) one Municipal Chairperson, nominated by the Government ;
- (aa) one Mayor, nominated by the Government.

13. *Powers and Functions of the Advisory Council.*—The Advisory Council shall meet at least once a year and shall deliberate on the general policies in higher education with particular reference to the functioning of the Council.

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

- (a) the Chairman ;
- (b) the Vice-Chairman ;
- (c) the Member-Secretary ;
- (d) five educationalists of repute from different academic disciplines of whom one shall be a woman and one belonging to Scheduled Caste or Scheduled Tribe, nominated by the Government ;
- (e) the Vice-Chancellors of all Universities ;
- (f) an elected representative of the Academic Council of each University ;
- (g) two student representatives of the University Unions, of whom one shall be a woman, nominated by the Government ;
- (h) a person who has distinguished himself in extension activities, nominated by the Government ;
- (i) the Director of a Research Institution, nominated by the Government ;
- (j) the member of the State Planning Board in charge of education ;
- (k) a nominee of the University Grants Commission not below the rank of Joint Secretary, *Ex-officio* ;
- (l) the Secretary to Government, Higher Education Department *Ex-officio* ;
- (m) the Secretary to Government, Finance Department, *Ex-officio* ;
- (n) the Director Technical Education, *Ex-officio* ;
- (o) the Director of Medical Education, *Ex-officio* ;
- (p) the Executive Vice-President, Kerala State Council for Science, Technology and Environment, *Ex-officio* ;
- (q) the Director of Collegiate Education, *Ex-officio* ;
- (r) the Director of Agriculture; *Ex-officio*.

15. *Powers and duties of the Governing Council.*—(1) The Governing Council shall have the following powers and duties, namely:—

(a) it shall be responsible for taking all policy decisions ;

(b) it shall chalk out a perspective plan for the implementation of the policies, evolve various programmes to be implemented and determine the priorities of such programmes for implementation ;

(c) it shall approve the annual budget and the audited statement of expenditure in such manner as may be prescribed ;

(d) it shall make a self-appraisal of its performance and prepare in annual report showing details of its academic performance ;

(e) it shall give such directions to the Executive Council as may be necessary for the effective functioning of the Council in accordance with its objectives ;

(f) it shall with prior approval of the Government to frame regulations in accordance with this Act and the rules made thereunder ;

(g) it shall be competent to decide the general norms for the devolution of block grants to the Universities by the Government;

(h) it shall be competent to devise measures for the academic and financial accountability of the Universities and other institutions of higher learning in the State;

(i) it shall be competent to advise the Government to implement the decisions of the Council on all institutions of higher learning including Universities, Colleges and other Institutions of higher learning in the State ;

(j) it shall have such other powers as may be prescribed for the effective implementation of the programmes for the furtherance of the objectives of this Act ;

(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 ;

(1) it shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the Governing Council shall be valid notwithstanding that some person, who was not entitled to be a member, had attended, or otherwise had taken part in the proceedings of the Governing Council.

16. *The Executive Council.*—There shall be an Executive Council for the Council consisting of the following members of the Governing Council, namely:—

- (a) the Vice-Chairman ;
- (b) the Member-Secretary ;
- (c) one of the Vice-Chancellors, nominated by rotation by the Government for a period of one year ;
- (d) five educationalists nominated under clause (d) of section 14 ;
- (e) the Secretary to Government, Higher Education Department *Ex-officio*.

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

- (a) it shall be competent to take decisions on behalf of the Council, subject to the concurrence by the Governing Council in all matters with policy implications;
- (b) it shall incur such expenses in order to fulfil the objectives set out in this Act and carry out all decisions taken by the Governing Council;
- (c) it shall nominate one of its members to the Syndicate of each University in order to ensure the effective communication and co-ordination of the suggestions and guidelines of the Council;
- (d) it shall present before the Advisory Council the annual academic and financial audit reports of the Council for its perusal ;
- (e) it shall present before the Governing Council annual academic and financial audit reports of the Council for its approval ;
- (f) it shall have such other powers, functions and duties as may be prescribed.

18. *Special Invitees.*—(1) The Vice-Chairman of the Council may for the purpose of carrying out the objectives of this Act, invite in writing any person who is not a member of the Council to take part in the deliberations of particular meetings of the Advisory Council, Governing Council and Executive Council for specific purposes as special invitees and such invitees shall have no right to vote in the meetings.

(2) The special invitees shall be paid from and out of the funds of the Council such sums as may be decided by the Vice-Chairman.

19. *Meetings.*—(1) The meetings of the Advisory Council, the Governing Council and the Executive Council shall be convened by the Member-Secretary on the advice of the Vice-Chairman.

(2) The quorum for the meetings of the Advisory Council, the Governing Council and the Executive Council shall be one third of the filled up membership in each body and decisions may be taken in the meetings by simple majority of those present and voting.

20. *Terms and Conditions of Service of the Vice-Chairman Member-Secretary, Registrar and Members.*—(1) The Vice-Chairman, Member-Secretary, Registrar 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 Council. They shall be eligible for re-appointment or re-nomination for a further term of four years, as the case may be.

(2) The Vice-Chairman, Member-Secretary or Members, may in writing under his signature, addressed to the Chairman, resign his membership from the Council :

Provided that he shall continue to hold such office until his resignation is accepted and communicated in writing.

(3) Subject to the provisions of this section, the other terms and conditions of service of the Vice-Chairman, Member-Secretary, Registrar and Members shall be such as may be prescribed.

(4) The Vice-Chairman, Member-Secretary and Registrar shall exercise such other powers and perform such other functions as may be prescribed.

21. *Removal from Membership of the Council.*—If, at any time, it appears to the Government that an appointed or nominated member has proved himself to be unfit to hold such office or has been guilty of misconduct or neglect which in the opinion of the Government renders his removal from the membership of the Council, as expedient, the Government may, after giving such member, a reasonable opportunity of showing cause as to why he shall not be removed from the Council and after examining the same decide whether to continue or remove such member, as the case may be, from his membership and in case of such removal from the membership of the Council it shall be made by notification.

22. *Filling up of casual vacancy.*—If a casual vacancy arises in the office of a nominated or appointed Member, either by reason of his death, resignation,

removal or otherwise, such vacancy shall be filled up by the Government by nomination or appointment and such Member shall hold office only for the remainder of the term of the Member in whose place he was nominated or appointed, as the case may be.

23. *Protection of acts done in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Council or any member or officer or employee of the Council for anything which is done or intended to be done in good faith in pursuance of the provisions of this Act or any rules or regulations made thereunder.

24. *Staff of the Council.*—The Council shall, with prior approval of the Government appoint such officers and staff, as it deems necessary for the discharge of its functions under this Act. The terms and conditions of service of the officers and staff of the Council shall be such as may be specified in the regulations to be framed by the Council.

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.

(2) The Government may pay to the Council every financial year such sums as may be considered necessary for the functioning of the Council and for the discharge of its responsibilities and duties.

(3) All expenditure incurred by the Council under or for the purposes of this Act shall be defrayed from out of the Fund and any surplus remaining, after such expenditure has been met shall be invested in such manner as may be prescribed.

26. *Annual Accounts and Audit.*—(1) The accounts of the Council shall be maintained in such manner and in such form as may be prescribed.

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

(3) The accounts of the Council shall be audited once in a year by such auditor as the Government may appoint in this behalf.

(4) The auditor appointed under sub-section (3) shall, for the purposes of audit, have such rights, privileges and authority as may be prescribed.

(5) The Member-Secretary to the Council shall cause the annual audit report to be printed and forward a printed copy thereof to each member and

shall place such report before the Governing Council for consideration at its next meeting.

(6) The Governing Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.

(7) The accounts of the Council as certified by the auditor together with the audit report along with the remarks of the Governing Council thereon shall be forwarded to the Government within such time as may be prescribed.

(8) The Government shall, as soon as may be after the receipt of the annual accounts together with the audit report under sub-section (7) cause the same to be laid before the Legislative Assembly.

27. *Annual Report.*—(1) The Council shall prepare for every year a report or its activities under this Act during that year and submit the report to the Government in such form as may be prescribed.

(2) The Government shall, as soon as may be after the receipt of a report under sub-section (1), cause the same to be laid before the Legislative Assembly.

28. *Members and Staff of the Council to be public servants.*—The Chairman, Vice-Chairman, Members, Officers and Staff of the Council shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or any rule or regulation or order or direction made or issued under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

29. *Overriding effect of the Act.*—The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law, other than this Act or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court or other authority.

30. *Power to make rules.*—(1) The Government may by notification make rules either prospectively or retrospectively, for carrying out all or any of 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 the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any amendment in the rule or decides that the rule should not be made the rule

shall. thereafter, have effect only in such form as amended or be of no effect, as the case may be ; so, however, that any such amendment or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, as occasion may require, do anything not inconsistent with the provisions of this Act which appears to them to be necessary or expedient for the purpose of removing the difficulty .

(2) Every order issued under sub-section (1) shall, as soon as may be after it is made be laid before the Legislative Assembly.

32. *Repeal and Saving.*—(1) The Kerala State Higher Education Council Ordinance, 2007 (49 of 2007) is hereby repealed.

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

STATEMENT OF OBJECTS AND REASONS

A Higher Education Commission was constituted by G.O. (Ms.) No. 141/06 dated 31-10-2006. Dr. K. N. Panikkar, prominent historian. educationalist, former Professor of Jawaharlal Nehru University and Vice-Chancellor, Sree Sankaracharya University of Sanskrit, Kalady was appointed as Chairman of the Commission. The most important task assigned to the Commission was to formulate the draft Statutes for constituting the Kerala State Higher Education Council.

2. After holding discussions with the Chief Minister, Leader of the Opposition, leaders of various political parties and after examining the Statutes of the Higher Education Councils already established in States like Tamil Nadu, Andhra Pradesh and West Bengal, the Commission has formulated a draft of the Statute for setting up a Higher Education Council. Government after considering the draft and the recommendations of the Commission decided 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 learning 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.

3. It is therefore found necessary to achieve the above said objectives, to empower this Council to (i) review and coordinate the implementation of policies in all higher education institutions in the State including Universities, research institutions and colleges, (ii) network various programmes in higher education undertaken and promoted by the Central and State Governments and by national level regulatory bodies including the University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Medical Council of India, Bar Council of India and other similar statutory bodies, (iii) undertake independent work for the generation and dissemination of new ideas in higher education, (iv) provide common facilities for all Universities research institutions, colleges and other centres of higher learning, (v) provide for the generation and optimum utilization of funds for the expansion and development of higher education and (vi) undertake such other programmes for promoting the objectives of social justice and excellence in education. It is with these objectives Government have decided to enact a Law for the constitution of the Kerala State Higher Education Council.

4. As the Legislative Assembly of the State was not in session and the above proposals had to be given effect to immediately, the Kerala State Higher Education Council Ordinance, 2007 was promulgated by the Governor on the 25th day of January, 2007 and the same was published as Ordinance No. 2 of 2007 in the Kerala Gazette Extraordinary No. 147 dated the 25th day of January, 2007.

5. As 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 during its 4th session which commenced on the 2nd day of March, 2007 and ended on the 29th day of March, 2007, the Kerala State Higher Education Council Ordinance, 2007 (26 of 2007) was promulgated by the Governor on the 30th day of March, 2007.

6. A Bill to replace Ordinance No. 26 of 2007 by an Act of the State Legislature could not be introduced in, and passed by, the Twelfth Kerala Legislative Assembly during its 5th session which commenced on the 19th day of June, 2007 and ended on the 26th day of July, 2007.

7. In order to keep alive the provisions of the said Ordinance the Kerala State Higher Education Council Ordinance, 2007 (49 of 2007) was promulgated by the Governor on the 30th day of July, 2007 and was published in the Kerala Gazette Extraordinary No. 1409 dated the 30th July, 2007.

8. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

This Bill provides for the constitution of the Kerala State Higher Education Council. Clause 25 of the Bill deals with the funds of the Council. As per sub-clause (2) of clause 25, the State Government may pay to the Council every financial year such sums as may be considered necessary for the functioning of the Council and for the discharge of its responsibilities and duties. There will be expenditure both recurring and non-recurring towards the establishment of this Council. It is expected that there will be an approximate non-recurring expenditure to the tune of Rs. 50 Lakhs for the establishment of the Council and annual recurring expenditure of approximately Rs. 1.25 Crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (c) of clause 15 of the Bill empowers the Government to prescribe the manner in which the annual budget and the audited statement or expenditure shall be approved by the Governing Council.

2. Sub-clause (f) of clause 15 of the Bill empowers the Governing Council to frame regulations with prior approval of the Government and in accordance with the Act and the Rules made therein.

3. Sub-clause (j) of clause 15 of the Bill empowers the Government to prescribe such other powers of the Governing Council for the effective implementation of the programmes in furtherance of the objectives of the Act.

4. Sub-clause (f) of clause 17 of the Bill empowers the Government to prescribe such other powers of the Executive Council.

5. Sub-clause (3) of clause 20 of the Bill seeks to empower, the Government to prescribe the other terms and conditions of the service of the Vice-Chairman, Member-Secretary, Registrar and members.

6. Sub-clause (3) of clause 25 of the Bill empowers the Government to prescribe the manner to deal with the surplus fund of the Council.

7. Sub-clause (1) of clause 26 of the Bill authorise the Government to prescribe the manner and form for the maintenance of the Accounts of the Council.

8. Sub-clause (2) of clause 26 of the Bill authorise the Government to prescribe the form in which the Annual Statement of Accounts of the Council to be prepared.

9. Sub-clause (4) of clause 26 of the Bill authorise the Government to prescribe the rights, privileges and authority of the auditor appointed under sub-clause (3) of clause 26.

10. Sub-clause (7) of clause 26 of the Bill empowers the Government to prescribe the time within which the accounts of the Council as certified by the auditor be forwarded to Government.

11. Sub-clause (1) of clause 27 of the Bill authorise the Government to prescribe the form of the Annual Report.

12. Clause 30 of the Bill seeks to empower the Government to make rules for carrying out all or any of the purposes of the Act.

13. Clause 31 of the Bill seeks to empower the Government to remove any difficulty in giving effect to the provisions of this Act through an order.

14. The matters in respect of which rules or regulations to be made or orders to be issued are matters of procedure and details and are of routine or administrative in nature. Further, the rules and orders are subject to scrutiny of the Legislative Assembly. The delegation of powers is, therefore, of a normal character.

M. A. BABY