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കേരള സർക്കാർ
Government of Kerala
2018



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 7 Vol. VII	തിരുവനന്തപുരം, ശനി Thiruvananthapuram, Saturday	2018 ഏപ്രിൽ 7 7th April 2018	നമ്പർ } No. } 914
		1193 മീനം 24 24th Meenam 1193	
		1940 ചൈത്രം 17 17th Chaitra 1940	

GOVERNMENT OF KERALA
Law (Legislation-G) Department
NOTIFICATION

No. 14662/Leg.G2/2017/Law.

7th April, 2018
Dated, Thiruvananthapuram, 24th Meenam, 1193
17th Chaitra, 1940.

The following Ordinance promulgated by the Governor of Kerala on the 7th day of April, 2018 is hereby published for general information.

By order of the Governor,

B. G. HARINDRANATH,
Law Secretary.

ORDINANCE No. 26 OF 2018**THE KERALA STATE HIGHER EDUCATION COUNCIL
(AMENDMENT) ORDINANCE, 2018**

Promulgated by the Governor of Kerala in the Sixty-ninth Year of the Republic of India.

AN

ORDINANCE

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

Preamble.—WHEREAS, the Kerala State Higher Education Council (Amendment) Ordinance, 2017 (13 of 2017) was promulgated by the Governor of Kerala on the 5th day of July, 2017;

AND WHEREAS, 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 session which commenced on the 7th day of August, 2017 and ended on the 24th day of August, 2017;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala State Higher Education Council (Amendment) Ordinance, 2017 (20 of 2017) was promulgated by the Governor of Kerala on the 16th day of September, 2017;

AND WHEREAS, a Bill to replace Ordinance No. 20 of 2017 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;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala State Higher Education Council (Amendment) Ordinance, 2017 (37 of 2017) was promulgated by the Governor of Kerala on the 21st day of December, 2017;

AND WHEREAS, a Bill to replace Ordinance No. 37 of 2017 by an Act of the State Legislature was published as Bill No. 90 of 14th Kerala Legislative Assembly and the same could not be introduced in, and passed by, the Legislative Assembly in its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala State Higher Education Council (Amendment) Ordinance, 2018 (14 of 2018) was promulgated by the Governor of Kerala on the 12th day of February, 2018;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 119 of 14th Kerala Legislative Assembly and the same could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 26th day of February, 2018 and ended on the 4th day of April, 2018;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the Kerala State Higher Education Council (Amendment) Ordinance, 2018 (14 of 2018) will cease to operate on the 9th day of April, 2018;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

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

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

2. *Act 22 of 2007 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala State Higher Education Council Act, 2007 (22 of 2007) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 18.

3. *Amendment of the preamble.*—In the principal Act, in the preamble, in the first paragraph, for the word “experts”, the words and symbol “experts, students” shall be substituted.

4. *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:

5. *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;”.

6. *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.”.

7. *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.”.

8. *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.”.

9. *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.

10. *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.

11. *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.

12. *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.”.

13. *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.”.

14. *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.

15. *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.”.

16. *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.

17. *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.

18. *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.

19. *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 Ordinance.

P. SATHASIVAM,
GOVERNOR.